



# भारत का राजपत्र The Gazette of India

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No. 48] NEW DELHI, SATURDAY, NOVEMBER 26, 1994/AGRAHAYANA 5, 1916

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)  
नई दिल्ली, 10 नवम्बर, 1994

MINISTRY OF PERSONAL, PUBLIC GRIEVANCES  
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 10th November, 1994

क्र. प्रा. 3280 :—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कर्नाटक राज्य सरकार की सहपति से, जो कर्नाटक सरकार सचिवालय, गृह विभाग (पुलिस अपराध), सं.—एच. डी. / 61/पी. सी. आर. / 93 बंगलूर, तारीख 19-5-1993 द्वारा दी गई थी, तारीख 6-3-1993 को हाई ग्राउंड पुलिस स्टेशन, बंगलूर में अपराध सं. 115/93 द्वारा रजिस्ट्रीकृत रामावाड़ी बीमाकृत वस्तु सं. 127, की हानि से संबंधित अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण कर्नाटक राज्य पर करती है।

S.O. 3280.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka accorded vide Karnataka Government Secretariat, Home Department (Police Crimes), No. HD/61/PCR/93 Bangalore, dated 19-5-1993 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences relating to the loss of Ramavadi insured articles No. 127, registered vide Crime No. 115/93 in High Grounds Police Station, Bangalore on 6-3-1993.

[संख्या 228/28/94— ए. बी. डी. -II]

आर. एस. बिश्ट, अधीन सचिव

[No. 228/28/94-AVD-III]

R. S. BISHT, Under Secy.

वित्त मंत्रालय  
(राजस्व विभाग)

नई दिल्ली, 13 अक्टूबर, 1994

मुख्यालय स्थापना

का. आ. 3281 :—केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 245 ज द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के उच्चतम न्यायालय के सेवानिवृत्त न्यायाधीश न्यायमूर्ति श्री एस. रंगनाथन् को, 15 जुलाई, 1994 के पूर्वाह्न से तीन वर्ष की अवधि के लिए या 70 वर्ष की आयु तक, इन दोनों से जो भी पहले हो, अग्रिम विनिर्णय प्राधिकरण का अध्यक्ष नियुक्त करती है।

[फा. सं. ए 19011/8/94 प्रशासन]

रमेश कुमार, अवर सचिव

MINISTRY OF FINANCE  
(Department of Revenue)

New Delhi, the 13th October 1994

HEADQUARTERS ESTABLISHMENT

S.O. 3281.—In exercise of the powers conferred by Section 245 O of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby appoints Justice Shri S. Ranganathan, retired judge of the Supreme Court of India, as Chairman of Authority for Advance Rulings for a period of 3 years with effect from the forenoon of the 15th July, 1994 or upto the age of 70 years, whichever is earlier.

[F No. A. 19011/8/94-Ad. I]

RAMESH KUMAR, Under Secy.

केन्द्रीय उत्पाद शुल्क समाहर्ता का कार्यालय

अधिसूचना 1/94

सीमा-शुल्क

कोयम्बतूर, 20 सितम्बर, 1994

का.आ. 3282-सीमाशुल्क अधिनियम, 1962 की धारा 152 खण्ड (ए) के अंतर्गत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के दिनांक 1 जुलाई, 1994 के अधिसूचना सं. 33/94—सीमाशुल्क (एन. टी.) के अधीन अधोऽस्ताक्षरी को प्रत्यायोजित शक्तियों का प्रयोग करते हुए मैं डॉ. जी. के. फिल्जै, समाहर्ता, सीमाशुल्क एवं केन्द्रीय उत्पाद शुल्क, कोयम्बतूर एतद्वारा तमिलनाडु राज्य, सेलम जिले के पेदनायकन पालयम डाक में स्थित विन्मलैसमुद्रम और चिन्नामसमुद्रम ग्रामों को सीमा शुल्क अधिनियम, 1962 की धारा 9 के अंतर्गत 100% निर्वातोन्मय एकक (ई.ओ. यू.) के स्टेशन के उद्देश्य से भाण्डागार स्टेशन के रूप में घोषित करता हूँ। जैसा कि उद्योग मंत्रालय औद्योगिक अनुसंधान सचिवालय, नई दिल्ली द्वारा अनुमोदित है।

[पत्र सं. VIII/40/9/94—सी. शु.]

डॉ. जी. के. फिल्जै, समाहर्ता

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE.

Coimbatore, the 20th September, 1994

New Delhi, the 20th September, 1994

NOTIFICATION 1/94

Customs

S.O. 3282.—In exercise of the powers delegated to the undersigned vide Notification No. 33/94-CUS(NT), dated the 1st July, 1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi, under clause (a) of Section 152 of the Customs Act, 1962, I, Dr. G. K. Pillai, Collector of Customs & Central Excise, Coimbatore, hereby declare the villages Thirumalaisamudram and Chinna-masamudram in Peddanaickenpalayam Post in the district of Salem, State of Tamilnadu, to be a Warehousing Station under section 9 of the Customs Act, 1962 for the purposes of setting up of 100 per cent E.O.U. as approved by Ministry of Industry, Secretariat of Industrial Approval, New Delhi.

[C. No. VIII/40/9/94-CUs.]

DR. G. K. PILLAI, Collector

नई दिल्ली, 22 सितम्बर, 1994

मुख्यालय स्थापना

का. आ. 3283 :—केन्द्रीय राजस्व बोर्ड अधिनियम, 1963 (1963 का 54) की धारा 3 उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय राजस्व सेवा (आयकर) के अधिकारी श्री सी. वी. गुप्ते को जो इससे पूर्व दिल्ली में आयकर महानिदेशक (प्रशा.) के रूप में तैनात थे, दिनांक 7 सितम्बर, 1994 के पूर्वाह्न से और जब तक कि वे अधिवासिकी की आयु प्राप्त नहीं कर लेते केन्द्रीय प्रत्यक्ष कर बोर्ड में सदस्य के रूप में नियुक्त करते हैं।

[फा. सं. ए-19011/14/94 प्रशा. I]

रमेश कुमार, अवर सचिव

New Delhi, the 22nd September, 1994

HEADQUARTERS ESTABLISHMENT

S.O. 3283.—In exercise of the powers conferred by Sub-section (2) of Section 3 of the Central Boards of Revenue Act, 1963 (No. 54 of 1963), the Central Government hereby appoints Shri C.V. Gupta, an officer of Indian Revenue Service (Income-Tax) and formerly posted as Director General of Income-Tax (Admn.), Delhi as Member of the Central Board of Direct Taxes with effect from the forenoon the 7th September, 1994 and until he attains age of superannuation.

[F. No. A-19011/14/94-Ad. I]

RAMESH KUMAR, Under Secy.

नई दिल्ली, 22 सितम्बर, 1994

## मुख्यालय स्थापना

का. भा. 3284 :—केन्द्रीय राजस्व बोर्ड अधिनियम 1963 (1963, का 54) की धारा 3 उप-धारा (2) में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय राजस्व सेवा (आयकर) के अधिकारी श्री जे. के. मिश्रा को जो इससे पूर्व ग्रहमवाबाव में मुख्य आयकर आयुक्त के रूप में तैनात थे दिनांक 7 सितम्बर, 1994 (पूर्वाह्न) से और जब तक कि व अधिकारपत्र की प्राप्ति प्राप्त नहीं कर लेते केन्द्रीय प्रत्यक्ष कर बोर्ड में सबसब के रूप में नियुक्त करती है।

[का. सं. ए-19011/13/94—प्रशा. 1]

रमेश कुमार, अवर सचिव

New Delhi, the 22nd September, 1994

## HEADQUARTERS ESTABLISHMENT

S.O. 3284.—In exercise of the powers conferred by sub-section (2) of Section 3 of the Central Board of Revenue Act, 1963 (No. 54 of 1963), the Central Government hereby appoints Shri G. K. Mishra, an officer of the Indian Revenue Service (Income-Tax) and formerly posted as Chief Commissioner of Income Tax, Ahmedabad as Member of the Central Board of Direct Taxes with effect from the forenoon of the 7th September, 1994 and until he attains age of superannuation.

[F. No. A. 19011/13/94-Ad. 1]

RAMESH KUMAR, Under Secy.

मुख्य आयकर आयुक्त का कार्यालय

आदेश सं. 6

कलकत्ता, 27 सितम्बर, 1994

का. भा. 3285.—आयकर नियम, 1962 के नियम 114ए को सम्मिलित करते हुए, बोर्ड की अधिसूचना एस 0769(ई) दिनांक 12.8.87 का अनुसरण करते हुए, हम, मुख्य आयकर आयुक्त कलकत्ता अधिसूचना सं. टी/2पी/13/85-86/6371 दिनांक 23.8.89 में निम्न आर्थिक आशोधन करते हैं तथा निम्नलिखित अनुसूची के स्तंभ 2 में उल्लिखित सहायक आयकर आयुक्तों को कर कटौती खाता संख्या के आबंटन संबंधित कार्य सौंपते हैं, जो कि उक्त अनुसूची के स्तंभ 3 में उल्लिखित आयकर विशेष रेंज सर्कल/वार्ड के क्षेत्राधिकार के अन्तर्गत

निर्धारितियों को आयकर कटौती खाता संख्या के आबंटन के लिए उत्तरदायी होंगे।

क्र. सं. स. भा. का नाम क्षेत्राधिकार

1. स. भा. भा. सर्कल कलकत्ता एवं 24 परगना (उत्तर-21 (1) कल. एवं दक्षिण) तथा हावड़ा विशेष जिला मुख्या. कल. स्थित सभी विशेष रेंज/सर्कल/वार्ड में स्थित हैं। तथा आयकर आयुक्त (के) कल. तथा आन्ध्रप्रान्त निकोबार के आयकर वार्ड सर्कल के अन्तर्गत सहित सभी आयकर कार्यालय।

अन्य अधिकारियों से जो आदेश प्राप्त हुए हैं वे आवश्यक कार्यवाही हेतु सहायक आयकर आयुक्त सर्कल 21 (1) को भेज दिये जायेंगे।

आशोधन 1.10.94 से लागू होगा।

अन्य मामलों का हवाला देते हुए आदेश संख्या पीटी/2पी/13/85-86/6371 दिनांक 23.8.94 द्वारा कर कटौती खाता संख्या के आबंटन का कार्य निम्न आयकर अधिकारी जारी रखेंगे।

क्र. सं. आयकर अधि- क्षेत्राधिकार  
कारी का नाम

1. आयकर अधिकारी आयकर सर्कल/वार्ड — आसनसोल, (बजट एवं सहायकी) बाकुडा, पुर्लिया, दुर्गापुर, बर्धमान, -4 (मुख्यालय बीरभूम, हुगली, भिदनापुर, हल्दिया। आसनसोल स्थित है)
2. आयकर कार्यालय भा. का. सर्कल/वार्ड — जलपाईगुड़ी वार्ड — 3 जलपाईगुड़ी सिलीगुड़ी, दार्जिलिंग, कूच बिहार (मुख्या. जलपाईगुड़ी मालदा, व पश्चिम दिनाजपुर, स्थित है) कलिमपोंग सिक्किम।
3. आयकर कार्यालय भा. का. सर्कल/वार्ड — मुर्शिदाबाद वार्ड — 1 मुर्शिदाबाद भदिया। (मुख्यालय बहरामपुर स्थित है)

[सं. स. भा./मुख्या./योजना/510/94-95]

के. पी. सिंह ए. के. बटवाल के. पी. सिंह

मु. भा. भा.-III कल. मु. भा. भा.-II कल. मु. भा. भा.-I कल.

OFFICE OF THE CHIEF COMMISSIONER OF  
INCOME TAX, CALCUTTA

नई दिल्ली, 4 नवम्बर, 1994

## ORDER No. 6

Calcutta, the 27th September, 1994

S.O. 3285.—In pursuance of Board's Notification S.O. 769(E) dated 12-8-87 incorporating Rule 114A to the Income Tax Rules, 1962, we the Chief Commissioners of Income-tax, Calcutta, hereby make the following partial amendment to Notification No. T/2P/13/85-86/6371 dated 23rd August, 1989 and assign the function of allotment of Tax Deduction Account Number to Assistant Commissioner of Income-tax mentioned in Column 2 of the following schedule who will be responsible for allotment of Tax Deduction Account Number to the assessee falling under the jurisdiction of Income-tax Spl. Ranges/Circles/Wards as detailed in Column 3 of the same schedule.

Sl. Name of the A.Cs. No.	Jurisdiction
1. A.C.I. T. Circle 21(1), Calcutta having its HQRS. at Calcutta.	All IT special Ranges/Circles/wards situated at Calcutta, 24 Parganas (North & South), Howrah, including those under CsIT (Central) Calcutta & IT ward/Circle of Andaman & Nicobar Islands.

Applications already received by any other officers shall be forwarded to ACIT CIRCLE-21(1) CALCUTTA, for necessary action. The amendment will take effect from 1st October, 1994.

With reference to all other cases, the function of allotment of Tax Deduction Account Numbers will continue to remain with the ITOs mentioned in Order No. T/2P/13/85-86/6371 dated 23rd August, 1989 as indicated below :

Sl. Name of the ITOs No.	Jurisdiction
1. ITO (BUDGET & STATISTICS) IV (having its Hqrs. at Asansol)	I. T. CIRCLES/WARDS AT : — Asansol Bankura Purulia Durgapur Burdwan Birbhum Hooghly Midnapore. Haldia.
2. ITO, Ward-3, Jalpaiguri (Having his Hqrs at Jalpaiguri)	I.T. Circles/Wards At : Jalpaiguri Siliguri Darjeeling Cooch Behar. Malda & West Dinajpur Kalimpong. Sikkim.
3. ITO, Ward-1, Murshidabad (Having his Hqrs at Berhampore)	I.T. Circles/Wards At : Murshidabad Nadia.

[No. AC/HQ/Planning/510/94-95]

(K.P. SINGH Chief Comm. of Income-Tax-III Calcutta	A.K. BATABYAL Chief Comm. of Income-Tax-II Calcutta	K.P. SINGH Chief Comm. of Income Tax-I Calcutta.
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का. आ. 3286.—सरकारी स्थान (अप्राधिकृत अधिभोगियों की घेदखली) अधिनियम, 1971 का 40 की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त अधिनियम के प्रयोजन के लिए नीचे सारणी के कालम (1) में उल्लिखित अधिकारियों को सरकार के राजपत्रित अधिकारी के रैंक के समतुल्य संपदा अधिकारी नियुक्त करती है, जो उनको प्रदत्त शक्तियों का प्रयोग करेंगे और उक्त सारणी के कालम (2) में विनिर्दिष्ट सरकारी स्थानों के संबंध में उक्त अधिनियम के द्वारा या उसके अन्तर्गत संपदा अधिकारियों को सौंपे गए कर्तव्यों का निष्पादन करेंगे।

## सारणी

अधिकारी का पदनाम	सरकारी स्थानों की श्रेणियां और क्षेत्राधिकार की स्थानीय सीमाएं
1	2
महान् प्रबन्धक/प्रबन्धक सरकारी अफीम तथा अलकालायड वर्क्स गाजीपुर (उत्तर प्रदेश)	अफीम कारखाना, अलकालायड वर्क्स तथा इसकी आवासीय कालोनियों या इसके द्वारा या इसकी ओर से पट्टे पर ली गई आवासीय कालोनियों सहित और सरकारी अफीम तथा अलकालायड वर्क्स उपक्रम, गाजीपुर (यू. पी.) के प्रशासनिक नियंत्रणाधीन परिसर।
महान् प्रबन्धक/प्रबन्धक, सरकारी अफीम तथा अलकालायड वर्क्स उपक्रम नौमच (मध्य प्रदेश)	अफीम कारखाना, अलकालायड वर्क्स इसकी आवासीय कालोनियों, इसके द्वारा या इसकी ओर से पट्टे पर ली गई कालोनियों सहित तथा सरकारी अफीम तथा अलकालायड वर्क्स उपक्रम, नौमच मध्य प्रदेश के प्रशासनिक नियंत्रणाधीन परिसर।

[फा. सं. क - 66011/61/93 -- सी. एम.]

एस. कुमार, अवर सचिव

New Delhi, the 4th November, 1994

S.O. 3286.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 40 of 1971 the Central Government, hereby appoints the officers mentioned in column (1) of the table below, being equivalent to the rank of a gazetted officer of Government to be estate officers for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on estate officers by or under

the said Act, in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
1	2
General Manager/Manager, Government Opium & Alkaloid Works Undertaking at Ghazipur (U.P.)	Premises including the Opium Factory, the Alkaloid works and the residential colonies belonging to, or taken on lease by, or on behalf of, and under administrative control of Government Opium & Alkaloid Works Undertaking Ghazipur (U.P.)
General Manager/Manager, Government Opium and Alkaloid Works Undertaking at Neemuch (M.P.)	Premises including the Opium Factory, the Alkaloid Works and the residential colonies belonging to, or taken on lease by, or on behalf of, and under administrative control of Government Opium and Alkaloid Works Undertaking Neemuch, Madhya-Pradesh.

[F. No. A-66011/6193-C.M.]

S. KUMAR, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 4 नवम्बर, 1994

का. आ. 3287—बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सफाई पर, एतद्वारा, घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबंध यूनाइटेड बैंक आफ इंडिया, कलकत्ता पर 4 नवम्बर, 1994 तक की अवधि के लिए उस सीमा तक लागू नहीं होंगे जहाँ तक उनका संबंध निरवधार के रूप में मैसर्स निब्रो लि. की शेयरों की उसकी धारिता से है।

[सं. 15/2/91 - बी. ओ. III]

बी. एल. सचदेव, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 4th November, 1994

S.O. 3287.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of Section 19 of the said Act shall not apply to United Bank of India, Calcutta, for a period upto 4th

November, 1996 in respect of its holding shares of M/s. Nibro Ltd. as pledgee.

[No. 15/2/91-BO. III]

B. L. SACHDEVA, Under Secy.

वाणिज्य मंत्रालय

नई दिल्ली, 28 अक्टूबर, 1994

का. आ. 3288—केन्द्रीय सरकार, निर्यात (स्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स टाटा इंजीनियरिंग एण्ड लोकोमोटिव कम्पनी लिमिटेड, पिम्परी, पुणे-411018 में विनिर्मित डीजल इंजनों का निर्यात से पूर्व निरीक्षण करने के लिये मैसर्स टाटा इंजीनियरिंग एण्ड लोकोमोटिव कम्पनी लिमिटेड को जिनका रजिस्ट्रीकृत कार्यालय, बम्बई हाउस, 24 होमीमोदी स्ट्रीट, बम्बई-400023 में है, 16 मई, 1994 से तीन और वर्ष की अवधि के लिए का. आ. 1477, तारीख 16 मई, 1981 के अनुसार अधिसूचित शर्तों के अधीन रहते हुए, अभिकरण के रूप में मान्यता देती है।

[फाइल सं. 5/2/88-ई आई एंड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

MINISTRY OF COMMERCE

New Delhi, the 28th October, 1994

S.O. 3288.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963, (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 16th May, 1994, M/s. Tata Engineering and Locomotive Company Limited having their registered office at Bombay House, 24, Homi Mody Street, Bombay-400 023 as the agency for inspection of diesel engines manufactured at M/s. Tata Engineering and Locomotive Company Limited, Pimpri, Pune-411 018 prior to export, subject to the conditions notified vide S.O. 1477 dated 16th May, 1981.

[F. No. 5/2/88-EI &amp; EP]

SUMA SUBBANNA, Director

नई दिल्ली, 28 अक्टूबर, 1994

का. आ. 3289—केन्द्रीय सरकार, निर्यात (स्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स टाटा इंजीनियरिंग एण्ड लोकोमोटिव कम्पनी लिमिटेड, पिम्परी, पुणे-411018 में विनिर्मित ग्राटोमोबाइल के पुर्जों संघटकों और उपसाधनों का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स टाटा इंजीनियरिंग एण्ड लोकोमोटिव कम्पनी लिमिटेड को जिनका रजिस्ट्रीकृत कार्यालय बम्बई हाउस, 24, होमीमोदी स्ट्रीट, बम्बई-400023 में स्थित है, 16 मई, 1994 से तीन और वर्ष की अवधि के लिए का. आ. 1482 तारीख 16 मई, 1981 के अनुसार अधिसूचित शर्तों के अधीन रहते हुए, अभिकरण के रूप में मान्यता देती है।

[फाइल सं. 5/2/88-ई आई एंड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 28th October, 1994

S.O. 3289.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963, (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 16th May, 1994, M/s. Tata Engineering and Locomotive Company Limited having their registered office at Bombay House, 24, Homi Moddy Street, Bombay-400 023 as the agency for inspection of the automobile spares, components and accessories, manufactured at M/s. Tata Engineering and Locomotive Company Limited, Pimpri, Pune-411 018 prior to export, subject to the conditions notified vide S.O. 1482 dated 16th May, 1981.

[F. No. 5(2)/88-EI &amp; EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 28 अक्टूबर, 1994

का.भा. 3290.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मोटर इंडस्ट्रीज कम्पनी लिमिटेड, होसूर रोड, अदुगोदी, बेंगलूर-560030 में विनिर्मित डीजल इंजिन के पुर्जों और संघटकों का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स मोटर इंडस्ट्रीज कम्पनी लिमिटेड, को जिनका रजिस्ट्रीकृत कार्यालय, होसूर रोड, अदुगोदी, बेंगलूर-560030 में है, 16 मई, 1994 से तीन और वर्षों की अवधि के लिए का.भा. 1478 तारीख 16 मई, 1981 में अधिवृचित शर्तों के अधीन रहते हुए, अभिकरण के रूप में मान्यता देती है।

[फाईल सं. 5(3)/88-ई आई एंड ईपी]

कुमारी सुमा सुब्बन्ना, निदेशक

New Delhi, the 28th October, 1994

S.O. 3290.—In exercise of the powers conferred by Sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 16th May, 1994, M/s. Motor Industries Company Limited, having their registered office at Hosur Road, Adugodi, Bangalore-560 030 as the agency for inspection of diesel engine spares and components, manufactured at M/s. Motor Industries Company Limited, Hosur Road, Adugodi, Bangalore-560 030, prior to export, subject to the conditions notified vide S.O. 1478 dated 16th May, 1981.

[F. No. 5(3)/88 EI &amp; EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 28 अक्टूबर, 1994

का.भा. 3291—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, वाणिज्य मंत्रालय की अधिसूचना सं. का.भा. 1270 तारीख 25-3-1966 में संलग्न अनुसूची में विनिर्दिष्ट अकार्बनिक रसायनों का विशाखापत्तनम में निर्यात से पूर्व निरीक्षण करने के लिये टिम्बर शाई परिसर, हार्वर एप्रोच रोड, विशाखापत्तनम-530035 पर स्थित मैसर्स जे.बी. बोडा सर्वेयर्स प्रा. लि.

जिनका रजिस्ट्रीकृत कार्यालय, मेकर भवन नं. 1 सर, विठ्ठलदास ठाकरसे मार्ग, बम्बई-400020 पर है को 1-6-94 से तीन और वर्षों की अवधि के लिये निम्न शर्तों के अधीन एतद्वारा एक अभिकरण के रूप में मान्यता प्रदान करती है, अर्थात्:—

(i) मैसर्स जे.बी. बोडा, सर्वेयर्स प्रा. लि., निर्यात निरीक्षण परिषद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिये पर्याप्त सुविधायें प्रदान करेगा जिससे कि अकार्बनिक रसायनों के निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1966 के नियम 4 के अधीन निरीक्षण प्रमाण पत्र दिया जा सके।

(ii) मैसर्स जे. बी. बोडा सर्वेयर्स प्रा. लि. इस अधिसूचना के अधीन कृत्यों के अनुपालन में ऐसे निर्वेशों द्वारा भाग्यहीन होगी जो निवेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

[फाईल सं. 5(7)/94-ई आई एंड ईपी]

कुमारी सुमा सुब्बन्ना, निदेशक

New Delhi, the 28th October, 1994

S.O. 3291.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 1-6-1994 M/s. J. B. Boda Surveyors Pvt. Ltd., located at Timber Yard Premises, Harbour Approach Road, Visakhapatnam-530 035 and having their registered office at Maker Bhawan No. 1, Sir Vithaldas Thakersey Marg, Bombay-400 020, as an agency for inspection of Inorganic Chemicals specified in Schedule annexed to Ministry of Commerce Notification No. S. O. 1270, dated 25-3-1966 prior to export at Visakhapatnam subject to the following conditions, namely:—

(i) that M/s. J. B. Boda Surveyors Pvt. Ltd., shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Inorganic Chemicals (Inspection) Rules, 1966;

(ii) that M/s. J. B. Boda Surveyors Pvt. Ltd., in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5/7/94-EI &amp; EP]

KUM. SUMA SUBBANNA, Director.

नई दिल्ली, 28 अक्टूबर, 1994

का.भा. 3292—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार वाणिज्य मंत्रालय की अधिसूचना सं. का.भा. 3975 तारीख 20-12-1965 और सं. का.भा. 3978 तारीख 20-12-1965 की संलग्न अनुसूची में विनिर्दिष्ट खनिज तथा अयस्क ग्रुप-I और II

का विशाखापत्तनम में निर्यात से पूर्व निरीक्षण करने के लिये टिम्बर यार्ड परिसर, हारबर् एप्रोच रोड, विशाखा-पत्तनम-530035 पर स्थित मैसर्स जे.बी. बोडा सर्वेयर्स प्रा.लि. जिनका रजिस्ट्रीकृत कार्यालय, मेकर भवन नं. 1 सर विठ्ठलदास ठाकरसे मार्ग, बम्बई-400020 पर है को 16-1-94 से तीन और वर्षों की अवधि के लिये निम्न शर्तों के अधीन एतद्द्वारा एक अभिकरण के रूप में मान्यता प्रदान करती है, अर्थात् :—

- (i) मैसर्स जे.बी. बोडा, सर्वेयर्स प्रा.लि., निर्यात निरीक्षण परिषद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिये पर्याप्त सुविधायें देगा जिससे कि खनिज तथा अयस्क ग्रुप-1 निर्यात (निरीक्षण) नियम, 1965 के नियम 4 और खनिज तथा अयस्क ग्रुप-2 निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण प्रमाणपत्र दिया जा सके।
- (ii) मैसर्स जे.बी. बोडा, सर्वेयर्स प्रा.लि. इस अधिसूचना के अधीन अपने कृत्यों के अनुपालन में ऐसे निवेदनों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

[फाइल सं. 5/7/94-ईआई एंड ईपी]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 26th October, 1994

S.O. 3292.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 1-6-1994, M/s. J. B. Boda Surveyors Pvt. Ltd., located at Timber Yard Premises, Harbour Approach Road, Visakhapatnam-530 035 and having their registered office at Maker Bhawan No. 1, Sir Vithaldas Thackersey Marg, Bombay-400020, as an agency for inspection of Minerals and Ores Group I and II specified in the Schedule annexed to Ministry of Commerce Notification No. S. O. 3975, dated 20-12-1965 and No. S.O. 3978, dated 20-12-1965 respectively, prior to export at Visakhapatnam subject to the following conditions, namely :—

(i) that M/s. J. B. Boda Surveyors Pvt. Ltd., shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group-I (Inspection) Rules, 1965 and rule 4 of the Export of Minerals & Ores Group II (Inspection) Rules, 1965 ;

(ii) that M/s. J. B. Boda Surveyors Pvt. Ltd., in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5/7/94-EI & EP]

KUM. SUMA SUBBANNA, Director.

नयी दिल्ली, 28 अक्टूबर, 1994

का.भा. 3293.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इससे उपायद्ध अनुसूची में विनिर्दिष्ट खनिज तथा अयस्क (ग्रुप-I) तथा खनिज तथा अयस्क (ग्रुप-II) का जामनगर में निर्यात से पूर्व निरीक्षण करने के लिए अतिरिक्त कृपा पंडित नेहरू मार्ग, जामनगर-361002 पर स्थित मैसर्स जे. बी. बोडा सर्वेयर्स प्रा. लि. जिनका रजिस्ट्रीकृत कार्यालय मेकर भवन नं. 1, सर विठ्ठलदास ठाकरसे मार्ग बंबई-400020 पर है को 23 मार्च, 1994 से तीन वर्ष की अवधि के लिए निम्न शर्तों के अधीन एतद्द्वारा एक अभिकरण के रूप में मान्यता देती है, अर्थात् :—

(i) मैसर्स जे.बी. बोडा सर्वेयर्स प्रा. लि. निर्यात निरीक्षण अभिकरण द्वारा नामित अधिकारी को अपने द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं प्रदान करेगा जिससे कि कमशः खनिज तथा अयस्क (ग्रुप-I) का निर्यात निरीक्षण) नियम, 1965 खनिज तथा अयस्क (ग्रुप-II) के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अन्तर्गत निरीक्षण प्रमाणपत्र दिया जा सके।

(ii) मैसर्स जे. बी. बोडा सर्वेयर्स प्रा. लि. इस अधिसूचना के अधीन अपने कृत्यों के अनुपालन में ऐसे निवेदनों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण, एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

अनुसूची

1. निस्तप्त बोकसाईट सहित थोरसाईट.
2. मैंगनीज डायक्साइड,
3. परिदग्ध तथा कैल्सिड मैंगनेसाईट सहित मैंगनेसाईट,
4. बैराइट,
5. लाल शक्साईड,
6. पीला गैरिक।

[फा. सं. 5/3/94-ई.आई.एंड.ई.पी.]

कुमारी सुमा सुब्बण्णा, निदेशक,

New Delhi, the 28th October, 1994

S.O. 3293.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 23rd March, 1994, M/s. J. B. Boda Surveyors Pvt. Ltd., located at Arihant Kripa, Pandit Nehru Marg, Jamnagar-361 002 and having their registered office at Maker Bhawan No. 1, Sir Vithaldas Thackersey Marg, Bombay-400 020, as an agency for the inspection of Minerals and

Ores (Group I) and Minerals and Ores (Group II) specified in Schedule annexed hereto prior to export at Jamnagar subject to the following conditions, namely :—

- (i) that M/s. J. B. Boda Surveyors Pvt. Ltd., shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of Export of Minerals and Ores Group I (Inspection) Rules, 1965 and Export of Minerals and Ores Group II (Inspection) Rules, 1965 respectively ;
- (ii) that M/s. J. B. Boda Surveyors Pvt. Ltd., in the performance of their function under this notification shall be bound by such directives as the Director (Inspection & Quality Control) may give in writing from time to time.

#### SCHEDULE

1. Bauxite including calcined bauxite.
2. Manganese Dioxide.
3. Magnesite including dead-burnt and calcined magnesite.
4. Barytes.
5. Red Oxide.
6. Yellow Ochre.

[File No. 5(8)/94-EI & EP]

KUM. SUMA SUBBANNA, Director

नयी दिल्ली, 28 अक्टूबर, 1994

का.आ. 3294. —केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एस जी एस इंडिया लिमिटेड, फोरशोर रोड, काकीनाडा-533007 को (i) तेल रहित चावल की भूसी और (ii) हड्डियों का चूरा सींग तथा खुरों का निर्यात से पूर्व धुस्त्रीकरण के लिए इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए एक अभिकरण के रूप में निम्नलिखित शर्तों के अधीन मान्यता प्रदान करती है, अर्थात् :—

1. मैसर्स एस जी एस इंडिया लिमिटेड काकीनाडा तेल रहित चावल की भूसी के निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के उपनियम 4 तथा हड्डियों का चूरा सींग तथा खुरों के निर्यात (निरीक्षण) नियम, 1977 के नियम 5 के अंतर्गत धुस्त्रीकरण का प्रमाणपत्र देने के लिए उक्त अभिकरण द्वारा अपनाई गई पद्धति की जांच करने के लिए इस संबंध में निर्यात निरीक्षण परिपद द्वारा मन्तनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देना।
2. मैसर्स एस जी एस इंडिया लिमिटेड, काकीनाडा इस अधिसूचना के अधीन अपने कृत्यों के पालन में निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) द्वारा समय-समय पर लिखित दिए गए सभी निर्देशों से बाध्य रहेंगे।
3. मैसर्स एस जी एस इंडिया लिमिटेड, काकीनाडा एल्यूमीनियम फास्फाइड तथा एथिल मोमाइड का धुस्त्रीकरण के रूप में प्रयोग करेंगी।

[फाइल सं. 5/9/90-ईआईएंडईपी.]

कुमारी सुमा सुब्बान्णा निदेशक

New Delhi, the 28th October, 1994

S.O. 3294.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three years from the date of publication of this notification M/s. SGS India Ltd., Fore Shore Road, Kakinada-533 007 as an agency for the fumigation of (i) De-oiled Rice Bran and (ii) Crushed Bones, Horns and Hooves prior to their export subject to following conditions, namely :—

- (i) that M/s. SGS India Ltd., Kakinada shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of fumigation followed by them in granting the certificate of fumigation under sub-rule (4) of the Export of De-oiled Rice Bran (Inspection) Rules, 1966 and rule 5 of the Export of Crushed Bones, Horns and Hooves (Inspection) Rules, 1977.
- (ii) that M/s. SGS India Ltd., Kakinada in the performance of their function under the notification shall be bound by such directives as the Director (Inspection & Quality Control) may give in writing from time to time.

(iii) that M/s. SGS India Ltd., Kakinada shall use Methyl Bromide and Aluminium Phosphide as fumigant.

[File No. 5/9/90-EI & EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 28 अक्टूबर, 1994

का.आ. 3295. —निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3978 तारीख 20-12-1965 से संलग्न अनुसूची में विनिर्दिष्ट खनिज तथा अवस्क (ग्रुप-II) का जयपुर में निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स एगलिस्ट और जिनका रजिस्ट्रीकृत कार्यालय 597 आचार्य कृपलानी मार्ग, आदर्श नगर, जयपुर 302004 पर स्थित है को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए निम्न शर्तों के अधीन एतद्द्वारा अभिकरण के रूप में मान्यता देती है, अर्थात् :—

- (i) मैसर्स एगलिस्ट निर्यात निरीक्षण परिपद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देना ताकि खनिज अवस्क ग्रुप-II (निरीक्षण) नियम 1965 के नियम 4 के अंतर्गत निरीक्षण का प्रमाणपत्र दिया जा सके।
- (ii) मैसर्स एगलिस्ट इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा बाध्य होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

[फाइल सं. 5/11/94-ईआईएंडईपी.]

कुमारी सुमा सुब्बान्णा, निदेशक



New Delhi, the 28th October, 1994

S.O. 3295.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years from the date of publication of this notification, M/s. Analyst, located at and having their registered office at 597, Acharya Kripalani Marg, Adarsh Nagar, Jaipur-302004, as an agency for inspection of Minerals and Ores (Group-II) specified in Schedule annexed to Ministry of Commerce Notification No. S.O. 3978 dated 20-12-1965, prior to export at Jaipur, subject to the following conditions, namely :—

(i) that M/s. Analyst, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group-II (Inspection) Rules, 1965 ;

(ii) that M/s. Analyst, in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5/11/94-EI&amp;EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 28 अक्टूबर, 1994

का.आ. 3296.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 1270 तारीख 25-3-1966 से संलग्न अनुसूची में विनिर्दिष्ट अकार्बनिक रसायन का जयपुर में निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स एनालिस्ट, जिनका रजिस्ट्रीकृत कार्यालय 597 आचार्य कृपलानी मार्ग, आदर्श नगर, जयपुर-302004. पर स्थित है को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए निम्न शर्तों के अधीन एतद्द्वारा अभिकरण के रूप में मान्यता देती है, अर्थात् :—

(1) मैसर्स एनालिस्ट निर्यात निरीक्षण परिषद् द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा ताकि अकार्बनिक रसायन का निर्यात (निरीक्षण) नियम 1966 के नियम 4 के अन्तर्गत निरीक्षण का प्रमाण-पत्र दिया जा सके।

(2) मैसर्स एनालिस्ट इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आवद्ध होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देगे।

[फाइल सं. 5/11/94-ईआई एंड ईपी]

कुमारी सुमा मुन्बण्णा, निदेशक

New Delhi, the 28th October, 1994

S.O. 3296.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years from the date of publication of this notification, M/s. Analyst located and having their registered office at 597, Acharya Kripalani Marg, 2570 GI 94—2.

Adarsh Nagar, Jaipur-302004, as an agency for inspection of Inorganic Chemicals specified in Schedule annexed to Ministry of Commerce Notification No. S.O. 1270 dated 25-3-1966, prior to export at Jaipur, subject to the following conditions, namely :—

(i) that M/s. Analyst shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Inorganic Chemicals (Inspection) Rules, 1966 ;

(ii) that M/s. Analyst in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5/11/94-EI&amp;EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 28 अक्टूबर, 1994

का.आ. 3297.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 1197 तारीख 15-4-1966 से संलग्न अनुसूची-I में विनिर्दिष्ट कार्बनिक रसायनों का जयपुर में निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स एनालिस्ट और जिनका रजिस्ट्रीकृत कार्यालय 597 आचार्य कृपलानी मार्ग, आदर्श नगर, जयपुर-302004. पर स्थित है और इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए निम्न शर्तों के अधीन एतद्द्वारा अभिकरण के रूप में मान्यता देती है, अर्थात् :—

(1) मैसर्स एनालिस्ट निर्यात निरीक्षण परिषद् द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा ताकि कार्बनिक रसायन के निर्यात (निरीक्षण) नियम 1966 के नियम 4 के अन्तर्गत निरीक्षण का प्रमाण-पत्र दिया जा सके।

(2) मैसर्स एनालिस्ट इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आवद्ध होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देगे।

[फाइल सं. 5/11/94 ईआई एंड ईपी]

कुमारी सुमा मुन्बण्णा, निदेशक

New Delhi, the 28th October, 1994

S.O. 3297.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years from the date of publication of this notification M/s. Analyst located and having their registered office at 597, Acharya Kripalani Marg, Adarsh Nagar, Jaipur-302004, as an agency for inspection of Organic Chemicals specified in Annexure-I to Ministry of Commerce Notification No. S.O. 1197 dated 15-4-1966, prior to export at Jaipur subject to the following conditions, namely :—

(i) that M/s. Analyst shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection

followed by them in granting the certificate of inspection under rule 4 of the Export of Organic Chemicals (Inspection) Rules, 1966 ;

- (ii) that M/s. Analyst in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5/11/94-EI&EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवंबर, 1994

का.आ. 3298 .—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैमर्स एम जी एस इंडिया प्राइवेट लिमिटेड, रूमा फ्रांसिसको लुई एंड गोमेश, वास्को-डी-गामा को इससे उपाबद्ध अनुसूची में विनिर्दिष्ट खनिज तथा अयस्क (ग्रुप-I) तथा (ग्रुप-II) का गोवा में निर्यात से पूर्व निरीक्षण करने के लिए इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए एक अभिकरण के रूप में मान्यता प्रदान करती है, अर्थात् :—

- (1) मैमर्स एम जी एस इंडिया लिमिटेड, वास्को-डी-गामा खनिज तथा अयस्क (ग्रुप-I) तथा (ग्रुप-II) के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अंतर्गत निरीक्षण का प्रमाण-पत्र देने के लिए अभिकरण द्वारा अपनाई गई पद्धति की जांच करने के लिए इस संबंध में निर्यात निरीक्षण परिषद् द्वारा मनोनित किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

- (2) मैमर्स एम जी एस इंडिया लिमिटेड, वास्को-डी-गामा इस अधिसूचना के अधीन अपने कृत्यों के पालन में निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) द्वारा समय-समय पर लिखित दिए गए सभी निर्देशों से बाध्य रहेंगे।

अनुसूची

#### 1. खनिज तथा अयस्क (ग्रुप-I)

1. मैंगनीज डायक्साइड रहित कच्चा मैंगनीज,
2. कच्चा लोह।
3. फ़ैरोमैंगनीज स्लैग सहित फ़ैरोमैंगनीज,
4. निस्तप्त बोक्साईड सहित बोक्साईड

#### 2. खनिज तथा अयस्क (ग्रुप-II)

1. मैंगनीज डायक्साइड,
2. संकेन्द्रित सहित कच्चा क्रोम,
3. बैराइट्स,
4. लाल ओक्साइड,
5. पीला गैरिक,
6. फ़ेल्डस्पार।

[फाइल सं. 5/17/94-ई आई एंड ई-पी]

कुमारी सुमा : सुब्वण्णा, निदेशक,

New Delhi, the 1st November, 1994

S.O. .—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three years from the date of publication of this notification, M/s. SGS India Ltd., Rua Francisco Lui & Gomes, Vasco-da-Gama as an agency for the inspection of Minerals and Ores (Group-I) and (Group-II) specified in Schedule hereto prior to export at Goa, subject to the following conditions, namely :—

- (i) that M/s. SGS India Ltd., Vasco-da-Gama, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of Export of Minerals and Ore (Group-I) and (Group-II) (Inspection) Rules, 1965 ;
- (ii) that M/s. SGS India Ltd., Vasco-da-Gama in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

#### SCHEDULE

##### I. Minerals and Ores (Group-I)

01. Manganese Ore, excluding manganese dioxide.
02. Iron Ore.
03. Ferromanganese including ferromanganese slag.
04. Bauxite, including calcined bauxite.

##### II. Minerals and Ores (Group-II)

01. Manganese Dioxide.
02. Chrome Ore, including Chrome concentrates.
03. Barytes.
04. Red Oxide.
05. Yellor Ochre.
06. Feldspar.

[File No. 5/17/94-EI&EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का.आ. 3299 :— केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैमर्स डा. सरूप पेस्ट कंट्रोल (प्रा.) लि. 20 वृद्धम रोड, मद्रास-600002 में और एंजीकृत कार्यालय 216/2-ए आचार्य जे.जी. बोस रोड, कलकत्ता, 700017 में स्थित है को तेल रहित चावल की भूमी और हड्डियों का चूरा तथा सींग और खुरों का निर्यात से पूर्व मद्रास में धूस्रीकरण के लिए इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए एक अभिकरण के रूप में निम्नलिखित शर्तों के अधीन मान्यता प्रदान करती है, अर्थात् :—

- (i) डा. सरूप पेस्ट कंट्रोल (प्रा.) लि. तेल रहित चावल की भूमी के निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के उपनियम 4 तथा हड्डियों का चूरा, सींग तथा खुरों के निर्यात (निरीक्षण) नियम, 1977 के नियम 5 के अंतर्गत धूस्रीकरण का प्रमाण-पत्र देने के लिए उक्त अभिकरण द्वारा अपनाई गयी पद्धति की जांच करने के लिए

इस संबंध में निर्यात निरीक्षण परिषद् द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

(ii) डा. सरूप पेस्ट कंट्रोल (प्रा.) लि. इस अधिसूचना के अधीन अपने कृत्यों के पालन में निदेशक (निरीक्षण एवं क्वालिटी) नियंत्रण द्वारा समय-समय पर लिखित रूप में दिए गए सभी निर्देशों से बाध्य रहेंगे।

(iii) मैसर्स डा. सरूप पेस्ट कंट्रोल (प्रा.) लि. इस धूम्रिकरण की क्रिया को श्री आर. ई. भास्कर के पर्यवेक्षण में करेंगे।

[फाईल सं. 5/26/94-ई.आई.एण्ड ई.पी.]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 1st November, 1994

S.O.3299.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963, the Central Government hereby recognises, for a period of three years from the date of publication of this notification Dr. Sarup's Pest Control (P) Ltd., located at 20, Woods Road, Madras-600002 and having their registered office at 216/2A, Acharya J. C. Bose Road, Calcutta-700017 as an agency for fumigation of De-oiled Rice Bran and Crushed Bones, Horns and Hooves, prior to export, at Madras, subject to following conditions, namely :—

- (i) that Dr. Sarup's Pest Control (P) Ltd., shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of fumigation followed by them in granting the certificate of fumigation under sub-rule (4) of the Export of De-oiled Rice Bran (Inspection) Rules, 1966 and rule 5 of the Export of Crushed Bones, Horns and Hooves (Inspection) Rules, 1977.
- (ii) that Dr. Sarup's Pest Control (P) Ltd., in the performance of their function under the notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.
- (iii) that Dr. Sarup's Pest Control (P) Ltd., shall use only Aluminium Phosphide as fumigant.
- (iv) that Dr. Sarup's Pest Control (P) Ltd., shall carry out such fumigation under the supervision of Shri R. E. Bhaskar.

[File No. 5/26/94-El&EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का.आ.3300:— केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 की 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स माइसोडेट प्रा.लि.बी.-1, कार मुन्तू सेंटर, 498 अन्ना सलाई, नंदनमद मद्रास-600035 को जिनका पंजीकृत कार्यालय 33, रिचमंड रोड, बंगलोर-560025 में है को मद्रास में तेल रहित चावल की भूरी और हड्डियों का चूरा, मींग तथा खुरों का निर्यात से पूर्व धूम्रिकरण के लिए इस अधिसूचना के प्रकाशन की तारीख

से तीन वर्ष की अवधि के लिए अभिकरण के रूप में निम्नलिखित शर्तों के अधीन मान्यता देती है, अर्थात् :—

(i) मैसर्स माइसोडेट प्रा.लि. तेल रहित चावल की भूरी के निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के उपनियम (4) तथा हड्डियों का चूरा, मींग तथा खुरों के निर्यात (निरीक्षण) नियम, 5 के अंतर्गत धूम्रिकरण का प्रमाण पत्र देने के लिए अभिकरण द्वारा अपनाई गयी पद्धति की जांच करने के लिए इस संबंध में निर्यात निरीक्षण परिषद् द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

(ii) मैसर्स माइसोडेट प्रा.लि. इस अधिसूचना के अधीन अपने कृत्यों के पालन में निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) द्वारा समय-समय पर लिखित दिए गए सभी निर्देशों से बाध्य रहेगा।

(iii) मैसर्स माइसोडेट प्रा.लि. इस धूम्रिकरण क्रिया को श्री सी.वेलामुथन या श्री शिबू जोहन के पर्यवेक्षण में करेंगे।

[फाईल सं. 5/27/94-ई.आर.एण्ड ई.पी.]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3300.—I exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years from the date of publication of this notification, M/s. Mysodet Private Ltd., located at B-1, Karmuttu Centre, 498, Anna Salai, Nandanam, Madras-600035 and having their registered office at 33 Richmond Road, Bangalore-560025, as an agency for fumigation of De-oiled Rice Bran and Crushed Bones, Horns and Hooves, prior to export, at Madras, subject to following conditions, namely :—

- (i) that M/s. Mysodet Private Ltd., shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of fumigation followed by them in granting the certificate of fumigation under sub-rule (4) of rule 4 of the Export of De-oiled Rice Bran (Inspection) Rules, 1966 and rule 5 of the Export of Crushed Bones, Horns and Hooves (Inspection) Rules, 1977.
- (ii) that M/s. Mysodet Private Ltd., in the performance of their function under the notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.
- (iii) that M/s. Mysodet Private Ltd., shall carry out such fumigation under supervision of either Shri C. Velayudhan or Shri Shibu John.

[File No. 5/27/94-El&EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का.आ.3301:— केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स पेस्ट कंट्रोल केमिकल, कमिश्नियल रोड, काकीनाडा-523007 जिनका पंजीकृत कार्यालय, मैन

राड, कन्नावरी थोटा गुंटूर-522004 में है तो तेल रहित चावल की भूमी और हड्डियों का चूरा सींग तथा खुरों का निर्यात से पूर्व धूम्रिकरण करने के लिए 18-5-1994 से और आगे तीन वर्ष की अवधि के लिए काकीनाडा में अभिकरण के रूप में निम्नलिखित शर्तों के अधीन मान्यता देती है, अर्थात् :-

- (i) मैसर्स पेस्ट कंट्रोल केमिकल्स तेल रहित चावल की भूमी के निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के उपनियम (4) तथा हड्डियों का चूरा सींग तथा खुरों के निर्यात (निरीक्षण) नियम, 1977 के नियम 5 के अंतर्गत धूम्रिकरण का प्रमाणपत्र देने के लिए उक्त अभिकरण द्वारा अपनाई गयी पद्धति की जांच करने के लिए इस संबंध में निर्यात निरीक्षण परिषद् द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।
- (ii) मैसर्स पेस्ट कंट्रोल केमिकल्स इस अधिसूचना के अधीन अपने कृत्यों के पालन में निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) द्वारा समय-समय पर लिखित में दिए गए सभी निर्देशों से बाध्य होंगे।
- (iii) मैसर्स पेस्ट कंट्रोल केमिकल्स एल्यूमिनियम फास्फेट धूम्रिकरण रसायन के रूप में प्रयोग करेंगे।
- (iv) मैसर्स पेस्ट कंट्रोल केमिकल्स एस.ए. गफूर या सी. रामाराव के पर्यवेक्षण में धूम्रिकरण के कृत्यों को करेंगे।

[फाईल 5/8/88-ई.आई.एण्ड ई.पी.]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3301.—In exercise of the power conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 18-5-1994, M/s. Pest Control Chemicals located at Commercial Road, Kakinada-523007 and having their registered office at Main Road, Kannavari Thota, Guntur-522004 as an agency for fumigation of De-oiled Rice Bran and Crushed Bones, Horns and Hooves, prior to export, at Kakinada, subject to following conditions, namely :—

- (i) that M/s. Pest Control Chemicals shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of fumigation followed by them in granting the certificate of fumigation under sub-rule (4) of rule 4 of the Export of De-oiled Rice Bran (Inspection) Rules, 1966 and rule 5 of the Export of Crushed Bones, Horns and Hooves (Inspection) Rules, 1977.
- (ii) that M/s. Pest Control Chemicals in the performance of their function under the notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.
- (iii) that M/s. Pest Control Chemicals shall use only Aluminium Phosphide as fumigant.
- (iv) that M/s. Pest Control Chemicals shall carry out such fumigation under supervision of either Shri S. A. Gaffur or Shri C. Ramarao.

[File No. 5/8/88-FI&FP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का.आ. 3302.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स पेस्ट मोर्टम (इंडिया) प्रा.लि. 52-6-25 विश्वालयम स्ट्रीट, काकीनाडा-533002 में स्थित जिनका रजिस्ट्रीकृत कार्यालय जी-2, सुन्दर टावर, टी. जे. रोड सेवेरी (पश्चिम) बम्बई-400015 को तेल रहित चावल की भूमी और हड्डियों का चूरा, सींग तथा खुरों का निर्यात से पूर्व धूम्रिकरण के लिए काकीनाडा में 18-5-1994 से आगे और तीन वर्ष की अवधि के लिए अधिकरण के रूप में निम्नलिखित शर्तों के अधीन रहते हुए मान्यता प्रदान करती है, अर्थात् :—

- (1) मैसर्स पेस्ट मोर्टम (इंडिया) प्रा.लि. तेल रहित चावल की भूमी के निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के उपनियम 4 तथा हड्डियों का चूरा, सींग तथा खुरों के निर्यात (निरीक्षण) नियम, 1977 के नियम 5 के अंतर्गत धूम्रिकरण का प्रमाण देने के लिए उक्त अभिकरण द्वारा अपनाई गयी पद्धति की जांच करने के लिए इस संबंध में निर्यात निरीक्षण परिषद् द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधा देगा।
- (2) मैसर्स पेस्ट मोर्टम (इंडिया) प्रा.लि. इस अधिसूचना के अधीन अपने कृत्यों के पालन में निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) द्वारा समय-समय पर लिखित में दिए गए सभी निर्देशों से बाध्य रहेंगे।
- (3) मैसर्स पेस्ट मोर्टम (इंडिया) प्रा.लि. को केवल एल्यूमिनियम फास्फाइड का धूम्रिकरण रसायन के रूप में प्रयोग करने की अनुमति दी जाएगी।
- (4) मैसर्स पेस्ट मोर्टम (इंडिया) प्रा.लि. श्री सी. मल्लिकार्जुन राव या श्री एम.एम.के. वर्मा या एम.एस. कृष्णाराव के पर्यवेक्षण में धूम्रिकरण के कृत्यों को करते रहेंगे।

[फाईल सं. 5/24/94-ई. आई.एण्ड ई.पी.]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3302.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 18-5-1994, M/s. Pest Mortem (India) Pvt. Ltd., located at 52-6-25, Vishvalayam Street, Kakinada-533002 and having their registered office at G-2, Sunder Tower, T. J. Road, Sewree (W), Bombay-400015 as an agency for fumigation of Deoiled Rice Bran and Crushed Bones, Horns and Hooves, prior to export, at Kakinada, subject to following conditions, namely :—

- (i) that M/s. Pest Mortem (India) Pvt. Ltd., shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine

the method of fumigation followed by them in granting the certificate of fumigation under sub-rule (4) of rule 4 of the Export of De-oiled Rice Bran (Inspection) Rules, 1966 and rule 5 of the Export of Crushed Bones, Horns and Hooves (Inspection) Rules, 1977.

- (ii) that M/s. Pest Mortem (India) Pvt. Ltd., in the performance of their function under the notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.
- (iii) that M/s. Pest Mortem (India) Pvt. Ltd., shall use only Aluminium Phosphide as fumigant.
- (iv) that M/s. Pest Mortem (India) Pvt. Ltd., shall carry out such fumigation under supervision of either Shri C. Mallikarjuna Rao, Shri M. S. K. Varma or Shri M. S. Krishna Rao.

[File No. 5(3)/86-FI&EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का.आ. 3303—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स रेल इंडिया टेक्नीकल एण्ड इकोनॉमिक सर्विस लि., एफ-2/2 गीलेडर हाउस 8, नेताजी सुभाष रोड, कलकत्ता-700001 को स्टील ट्रंक के निर्यात से पूर्व निरीक्षण के लिए 9-3-1994 से तीन वर्ष की अवधि के लिए इन शर्तों के अधीन अभिकरण के रूप में मान्यता देती है कि उक्त अभिकरण स्टील ट्रंक के निर्यात (निरीक्षण) नियम, 1967 के नियम 4 के उपनियम (4) के अंतर्गत निरीक्षण प्रमाण-पत्र देने के लिए उक्त अभिकरण द्वारा अपनाई गयी पद्धति की जांच करने के संबंध में निर्यात निरीक्षण परिषद् द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

[फाइल सं. 5/7/90 ई आई एंड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3303.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three years from 9-3-1994 M/s. Red India Technical and Economic Services Ltd., F-2/2, Gillander House 8, Netaji Subhash Road, Calcutta-700001, as an agency for inspection of Steel Trunks prior to export subject to the condition that the said agency shall give adequate facilities to any officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by the said agency in granting the certificate of inspection under sub-rule (4) of rule 4 of the Export of Steel Trunks (Inspection) Rules, 1967.

[File No. 5/7/90-EI&EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का.आ. 3304—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स रेल इंडिया टेक्नीकल एंड इकोनॉमिक सर्विस लि., एफ-2/2 गीलेडर हाउस, 8 नेताजी सुभाष रोड,

कलकत्ता-700001 को इसमें उपाबद्ध अनुसूची-I में विनिर्दिष्ट वाणिज्य मंत्रालय द्वारा अधिसूचित संख्या का.आ. 895 दिनांक 21-2-1976 के लघु अभियांत्रिक उत्पाद के निर्यात से पूर्व निरीक्षण के लिए 9-3-1994 से तीन वर्ष की अवधि के लिए इन शर्तों के अधीन अभिकरण के रूप में मान्यता देती है कि उक्त अभिकरण लघु अभियांत्रिक उत्पाद के निर्यात (निरीक्षण) नियम, 1976 के नियम 4 के उपनियम (5) के अंतर्गत निरीक्षण प्रमाण-पत्र देने के लिए उक्त अभिकरण द्वारा अपनाई गयी पद्धति की जांच करने के संबंध में निर्यात निरीक्षण परिषद् द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

[फाइल सं. 5/7/90/ई आई एंड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3304.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three years from 9-3-1994 M/s. Rail India Technical and Economic Services Ltd., E-2/2, Gillander House, 8, Netaji Subhash Road, Calcutta-700001, as an agency for the inspection of Light Engineering Products specified in the Annexure-I annexed to Ministry of Commerce Notification No. S.O. 895 dated 21-2-1976 prior to export subject to the condition that the said agency shall give adequate facilities to any officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by the said agency in granting the certificate of inspection under sub-rule (5) of rule 4 of the Export of Light Engineering Products (Inspection) Rules, 1976.

[File No. 5/7/90-EI&EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का.आ. 3305—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स रेल इंडिया टेक्नीकल एण्ड इकोनॉमिक सर्विस लि., एफ. 2/2 गीलेडर हाउस 8, नेताजी सुभाष रोड, कलकत्ता-700001 को ठले हुए लोहे के मेन होल के डककनों तथा फ्रेमों के निर्यात से पूर्व निरीक्षण के लिए 9-3-1994 से तीन वर्ष की अवधि के लिए इन शर्तों के अधीन अभिकरण के रूप में मान्यता देती है कि उक्त अभिकरण ठले हुए लोहे के मेन होल के डककनों तथा फ्रेमों के निर्यात (निरीक्षण) नियम, 1971 के नियम 4 के उपनियम (4) के अंतर्गत निरीक्षण प्रमाण पत्र देने के लिए उक्त अभिकरण द्वारा अपनाई गयी पद्धति की जांच करने के संबंध में निर्यात निरीक्षण परिषद् द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

[फाइल सं. 5/7/90 ई आई एंड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3305.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three years from 9-3-1994 M/s. Rail India Technical & Economic Services Ltd., F-2/2 Gillander House, 8 Netaji Subhash Road, Calcutta-100001, as an Agency for the inspection of Cast Iron Manhole Covers 80 Frames prior to export subject to the condition that the said agency shall give adequate facilities to any officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by the said agency in granting the certificate of inspection under sub-rule (4) of rule 4 of the Export of Cast Iron Manhole Cover and Frames (Inspection) Rules, 1971.

[File No. 5/7/90-EI&amp;EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का.आ. 3306—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, मैमर्स रेल इंडिया टेक्नोलॉजी एण्ड इकोनॉमिक सर्विसेस लि. एफ-2/2 गोलेंडर हाउस 8, नेताजी सुभाष रोड-कलकत्ता-700001 को ठहरे हुए लोहे के मलनाल तथा फिटिंग्स का निर्यात से पूर्व निरीक्षण करने के लिए 9-3-1994 से तीन वर्ष की अवधि के लिए इन शर्तों के अधीन अभिकरण के रूप में मान्यता देती है कि उक्त अभिकरण ठहरे हुए लोहे के मलनालों तथा फिटिंग्स का निर्यात (निरीक्षण) नियम, 1971 के नियम 4 के उपनियम (4) के अंतर्गत निरीक्षण प्रमाण पत्र देने के लिए उक्त अभिकरण द्वारा अपनाई गयी पद्धति की जांच करने के संबंध में निर्यात निरीक्षण परिषद् द्वारा मनोनित किसी भी अधिकारी को पर्याप्त सुविधाएं दगा।

[फाइल सं. 5/7/90-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बणा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3306.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three years from 9-3-1994 M/s. Rail India Technical & Economic Services Ltd., F-2/2 Gillander House 8, Netaji Subhas Road, Calcutta-700001, as an agency for the inspection of Cast Iron Soil Pipes and Fittings prior to export subject to the condition that the said agency shall give adequate facilities to any officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by the said agency in printing the certificate of inspection under sub-rule (4) of rule 4 of the Export of Cast Soil Pipes & Fittings (Inspection) Rules, 1971.

[File No. 5/7/90-EI&amp;EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली 1 नवम्बर, 1994

का.आ. 3307—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का

प्रयोग करने हुए, हार्डड्रोजन पैराक्साईड, मरक्यूरिक आक्साईड, बेरियम क्लोराईड, एमोनियम एल्यूम, सोडियम हार्डड्रॉमल्फेट, लाल फामफोरम तथा मिल्कान कार्बाईड को छोड़कर वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 16 तारीख 31-12-1988 द्वारा यथासंशोधित वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 1270 तारीख 25-3-1966 में मलमल अनुसूची में विनिर्दिष्ट अकार्बनिक रसायनों का बम्बई में निर्यात से पूर्व निरीक्षण करते हुए, लक्ष्मी भवन, 161, पी.डी. मैलों रोड, बम्बई-400001 पर स्थित मैमर्स सुपरिन्टेन्डेन्स कंपनी आफ इंडिया (प्रा.) लिमिटेड, जिनका रजिस्ट्रीकृत कार्यालय एवरेस्ट हाउस सातवीं मंजिल, 46 मो, चौरंगी रोड, कलकत्ता-700071 में है का इस अधिसूचना के प्रकाशन का तारीख से तीन वर्ष की अवधि के लिए निम्न शर्तों के अधीन एनड्वारा अभिकरण के रूप में मान्यता देती है, अर्थात्:—

- (1) मैमर्स सुपरिन्टेन्डेन्स कंपनी आफ इंडिया, (प्रा.) लिमिटेड निर्यात निरीक्षण परिषद् द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं प्रदान करेगा ताकि अकार्बनिक रसायनों के निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के अंतर्गत निरीक्षण का प्रमाण पत्र दिया जा सके।
- (2) मैमर्स सुपरिन्टेन्डेन्स कंपनी आफ इंडिया (प्रा.) लिमिटेड, इस अधिसूचना के अधीन अपने कृत्यों के अनुपालन में ऐसे निदेशों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

[फाइल सं. 5/5/94 ई आई एण्ड ई पी]

कुमारी सुमा सुब्बणा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3307.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years from the date of publication of this notification, M/s. Superintendence Company of India (Private) Limited, located at Laxmi Bhaban, 161 Pd Mello Road, Bombay-400001 and having their registered office at Everest House, 7th floor, 46 C, Chowringhee Road, Calcutta-700071, as an agency for inspection of Inorganic Chemicals specified in Schedule annexed to Ministry of Commerce Notification No. S.O. 1270 dated 25-3-1966 as amended by Ministry of Commerce Notification No. S.O. 16 dated 31-12-1988 except for Hydrogen Peroxide, Mercuric Oxide, Barium Chloride, Ammonium Alum, Sodium Hydrosulphate, Red Phosphorus and Silicon Carbide, prior to export at Bombay, subject to the following conditions, namely:—

- (i) that M/s. Superintendence Company of India (Private) Limited shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Inorganic Chemicals (Inspection) Rules, 1966;

- (ii) that M/s. Superintendence Company of India (Private) Limited, in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time

[File No. 5/5/94 ET&EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का.आ. 3308.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण तथा निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अकार्बनिक वर्णकों अर्थात् जिंक आक्साइड लाल सीसा तथा सफेद सीसा का बम्बई में निर्यात से पूर्व निरीक्षण करते हुए, लक्ष्मी भवन, पी०डी. मैलॉ रोड, बम्बई-400001 पर स्थित मैसर्स सुपरिन्टेन्डेन्स कंपनी आफ इंडिया (प्रा.) लिमिटेड जिनका रजिस्ट्रीकृत कार्यालय ऐवरेस्ट हाउस, सातवीं मंजिल, 46 सी, चौरंगी रोड, कलकत्ता-700071 में है को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्षों की अवधि के लिए निम्न शर्तों के अधीन एतद्द्वारा अभिकरण के रूप में मान्यता देती है, अर्थात्:—

- (1) मैसर्स सुपरिन्टेन्डेन्स कंपनी आफ इंडिया (प्रा.) लिमिटेड निर्यात निरीक्षण परिपद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा ताकि अकार्बनिक वर्णकों के निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के अन्तर्गत निरीक्षण का प्रमाण-पत्र दिया जा सके।
- (2) मैसर्स सुपरिन्टेन्डेन्स कंपनी आफ इंडिया (प्रा.) लिमिटेड, इस अधिसूचना के अधीन अपने कृत्यों के अनुपालन में ऐसे निर्देशों द्वारा आबद्ध होंगे जो निर्देशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

[फाइल सं. 5/5/94-ई.आई.एंड ईपी]

कुमारी सुमा सुब्बणा, निर्देशक

New Delhi, the 1st November, 1994

S.O. 3308.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years from the date of publication of this notification, M/s. Superintendence Company of India (Private) Limited, located at Laxmi Bhawan, 161 P.d'Mello Road, Bombay-400001 and having their registered office at Everest House-7th Floor, 46C, Chowringhee Road, Calcutta-700071 as an agency for inspection of Inorganic Pigments namely Zinc Oxide, Red Lead and White Lead, period to export at Bombay, subject to the following conditions, namely:—

- (i) that M/s. Superintendence Company of India (Private) Limited, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Inorganic Pigments (Inspection) Rules, 1966;

- (ii) that M/s. Superintendence Company of India (Private) Limited, in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5/5/94-ET&P]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का. आ. 3309.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण तथा निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, क्रोम संकेन्द्रण, कायनाईट, मिलिमनाइट सहित कच्चा क्रोम तथा जिंक संकेन्द्रण सहित कच्चे क्रोम को छोड़कर वाणिज्य मंत्रालय की अधिसूचना म. का. आ. 3978 तारीख 20-12-1965 में संलग्न अनुसूची में विनिर्दिष्ट खनिज तथा अयस्क ग्रुप (ii) के बम्बई में निर्यात से पूर्व निरीक्षण करते हुए, लक्ष्मी भवन, 161, पी. डी. मैलॉ रोड, बम्बई 400001 पर स्थित मैसर्स सुपरिन्टेन्डेन्स कंपनी आफ इंडिया (प्रा.) लिमिटेड, जिनका रजिस्ट्रीकृत कार्यालय ऐवरेस्ट हाउस, सातवीं मंजिल, 46 सी, चौरंगी रोड, कलकत्ता 700071 में है को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्षों की अवधि के लिए निम्न शर्तों के अधीन एतद्द्वारा अभिकरण के रूप में मान्यता देती है, अर्थात्:—

- (1) मैसर्स सुपरिन्टेन्डेन्स कंपनी आफ इंडिया (प्रा.) लिमिटेड, निर्यात निरीक्षण परिपद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं प्रदान करेंगा ताकि खनिज तथा अयस्क (ग्रुप-II) के निर्यात (निरीक्षण) नियम, 1965 के नियम 1 के अन्तर्गत निरीक्षण, का प्रमाण-पत्र दिया जा सके।
- (2) मैसर्स सुपरिन्टेन्डेन्स कंपनी आफ इंडिया (प्रा.) लिमिटेड, इस अधिसूचना के अधीन अपने कृत्यों के अनुपालन में ऐसे निर्देशों द्वारा आबद्ध होंगे जो निर्देशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

[फाइल सं. 5/5/94-ई. आ. एंड ई.पी.]

कुमारी सुमा सुब्बणा, निर्देशक

New Delhi, the 1st November, 1994

S.O. 3309.—In exercise of the powers conferred by sub-section (1) of Section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years from the date of publication of this notification, M/s. Superintendence Company of India (Private) Limited, located at Laxmi Bhawan, 161 P. d'Mello Road, Bombay-400001, and having their registered office at Everest House, 7th floor, 46C, Chowringhee Road Calcutta-700071, as an agency for inspection of Minerals and Ores (Group-II) specified in Schedule annexed to Ministry of Commerce Notification No. S.O. 3978 dated 20-12-1965 except for Chrome Ore including Chrome Concentrates, Kyanite, Silimanite and Zinc Ores including Zinc Concentrates,

prior to export at Bombay, subject to the following conditions, namely :—

(i) that M/s. Superintendence Company of India (Private) Limited, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group-II (Inspection) Rules, 1965;

(ii) that M/s. Superintendence Company of India (Private) Limited, in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5-5-94-EI&EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का.आ. 3310.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हाईड्रोक्वीनोन तथा आथेरेसिन का छोड़कर वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 1197 तारीख 15-4-1966 के उपाबंध 1 में विनिर्दिष्ट कार्बनिक रसायनों का बम्बई में निर्यात से पूर्व निरीक्षण करने हुए, लक्ष्मी भवन, 161 पी. डी. मैलो रोड, बम्बई-400001 पर स्थित मैमर्स मुपरिन्टेन्डेन्स कम्पनी आफ इण्डिया (प्रा.) लिमिटेड, जिनका रजिस्ट्रीकृत कार्यालय एवरेस्ट हाउस, मानवी मंजित, 46वीं, चौरंगी रोड, कलकत्ता-700071 में है को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्षों की अवधि के लिए निम्न शर्तों के अधीन एतद्द्वारा अभिकरण के रूप में मान्यता देती है, अर्थात्:—

(1) मैमर्स मुपरिन्टेन्डेन्स कम्पनी आफ इण्डिया (प्रा.) लिमिटेड, निर्यात निरीक्षण परिपद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गई निरीक्षण पद्धति को जांच करने के लिए पर्याप्त सुविधाएं प्रदान करेगा ताकि कार्बनिक रसायनों का निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के अंतर्गत निरीक्षण का प्रमाण-पत्र दिया जा सके;

(2) मैमर्स मुपरिन्टेन्डेन्स कम्पनी आफ इण्डिया (प्रा.) लिमिटेड, इस अधिसूचना के अधीन अपने कृत्यों के अनुपालन में ऐसे निर्देशों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

[फाइल सं. 5/5/94-ई आई एंड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3310.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years

from the date of publication of this notification, M/s Superintendence Company of India (Private) Limited, located at Laxmi Bhawan, 161 P.d'Mello Road, Bombay-400001 and having their registered office at Everest House, 7th Floor, 46C, Chowringhee Road, Calcutta-700071, as an agency for inspection of Organic Chemicals specified in Annexure-I to Ministry of Commerce Notification No. S.O. 1197 dated 15-4-1966 except for Hydroquinone and Anthracene, prior to export at Bombay, subject to the following conditions, namely :—

(i) that M/s. superintendence Company of India (Private) Limited, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Organic Chemicals (Inspection) Rules, 1966;

(ii) that M/s. Superintendence Company of India (Private) Limited, in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5/5/94-EI&EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का. आ. 3311.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, मैमर्स ज्यो केम लेबोरेट्रीज (प्रा.) लि., 240/2, थाम्बु चेट्टी स्ट्रीट, प्रथम तल, मद्रास-600003 में स्थित जिनका रजिस्ट्रीकृत कार्यालय ज्यो केम हाउस, 294, गण्डीय भगत सिंह रोड, फोर्ट, बम्बई-400 001 में है को 1-6-1994 में और तीन वर्ष की अवधि के लिए खनिज तथा अयस्क (ग्रुप-I) के निर्यात से पूर्व निरीक्षण के लिए वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 3975 तारीख 20-12-1965 में संलग्न अनुसूची में विनिर्दिष्ट के अनुसार निम्नलिखित शर्तों के अधीन एक अभिकरण के रूप में मान्यता प्रदान करती है, अर्थात्:—

(1) मैमर्स ज्यो केम लेबोरेट्रीज (प्रा.) लि. निर्यात निरीक्षण परिपद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगी जिसमें कि खनिज तथा अयस्क (ग्रुप-1) के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अंतर्गत प्रमाण पत्र दिया जा सके;

(2) मैमर्स ज्यो केम लेबोरेट्रीज (प्रा.) लि. इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित में देंगे।

[फाइल सं. 5/4/91-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक



New Delhi, the 1st November, 1994

S.O. 3311.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 1-6-94 M/s. Geo-Chem Laboratories(P) Ltd., located at 240/2, Thambu Chetty Street, 1st Floor, Madras-600001 and having their registered office at Geo-Chem House, 294 Shahid Bhagat Singh Road, Fort, Bombay-400031, as an agency for the inspection of Minerals and Ores (Group-I) specified in schedule annexed to Ministry of Commerce Notification No. S.O. 3975 dated 20-12-1965, prior to export at Madras subject to the following conditions, namely :—

- (i) that M/s. Geo-Chem Laboratories (P) Ltd. shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection under rule 4 of the Export of Minerals and Ores (Group-I (Inspection), Rules, 1965;
- (ii) that M/s. Geo-Chem Laboratories (P) Ltd., in the performance of their function under this notification shall be bound by such directives as the Director (Inspection & Quality Control) may give in writing from time to time.

[File No. 5/4/91-EI&amp;EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का. आ. 3312.—निर्यात क्वालिटी नियंत्रण और निरीक्षण (अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, मैसर्स ज्यो केम लेबोरेट्रीज (प्रा.) लि., 240/2, थाम्बु चेट्टी स्ट्रीट, प्रथम तल, मद्रास-600001 में स्थित जिनका रजिस्ट्रीकृत कार्यालय ज्यो केम हाउस, 294 शहीद भगत सिंह रोड, फोर्ट, बम्बई-400 001 में है और जो 1-6-1994 से और तीन वर्ष की अवधि के लिए खनिज तथा अयस्क (ग्रुप-ii) के निर्यात से पूर्व निरीक्षण के लिए वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 3978 तारीख 20-12-1965 में संलग्न अनुसूची में विनिर्दिष्ट अनुसार निम्नलिखित शर्तों के अधीन एक अभिकरण के रूप में मान्यता प्रदान करती है, अर्थात्:—

- (i) मैसर्स ज्यो केम लेबोरेट्रीज (प्रा.) लि. निर्यात निरीक्षण परिपद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा उपनार्ड गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देना जिसमें कि खनिज तथा अयस्क (ग्रुप-ii) के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अंतर्गत प्रमाण-पत्र दिया जा सके।
- (ii) मैसर्स ज्यो केम लेबोरेट्रीज (प्रा.) लि. इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा सशक्त होमी जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) सशक्त-समय पर लिखित रूप में देंगे।

[फाईल सं. 5/4/91—ई आई एण्ड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3312.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three years with effect from 1-6-1994, M/s. Geo-Chem-Labo Laboratories (P) Ltd., located at 240/2, Thambu Chetty Street 1st Floor, Madras-600001 and having their registered office at Geo-Chem House, 294 Shahid Bhagat Singh Road, Fort, Bombay-400001, as an agency for inspection of Minerals and Ores (Group-II) specified in schedule annexed to Ministry of Commerce Notification No. S.O. 3978 dated 20-12-1965, prior to export at Madras, subject to the following conditions, namely :—

- (i) that M/s. Geo-Chem Laboratories (P) Ltd., shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores-Group-II (Inspection) Rules, 1965;
- (ii) that M/s. Geo-Chem Laboratories (P) Ltd., shall performance of their function under this notification shall be bound by such directives as the Director (Inspection & Quality Control) may give in writing from time to time.

[F. No. 5/4/91-EI&amp;EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का. आ. 3313.—केन्द्रीय सरकार, निर्यात क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स टाटा इंजीनियरिंग एण्ड लोकोमोटिव कम्पनी लिमिटेड, जमशेदपुर-10 में विनिर्मित डीजल इंजिनों का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स टाटा इंजीनियरिंग एण्ड लोकोमोटिव कम्पनी लिमिटेड को, जिनका रजिस्ट्रीकृत कार्यालय, बम्बई हाउस, 24 होमी मोदी स्ट्रीट, बम्बई-400023 में है, 16 मई, 1994 से तीन और वर्ष की अवधि के लिए का. आ. 1476 तारीख 16 मई, 1981 के अनुसार अधिसूचित शर्तों के अधीन रहते हुए, अभिकरण के रूप में मान्यता देती है।

[फाईल सं. 5/2/88—ई आई एण्ड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3313.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a further period of three years with effect from 16th May, 1994, M/s. Tata Engineering and Locomotive Company Limited having their registered office at Bombay House, 24, Homi Mody Street, Bombay-400023, as the Agency for inspection of diesel engines manufactured at M/s. Tata Engineering and Locomotive Company Limited, Jamshedpur-10, prior to export, subject to the conditions notified vide S.O. 1476 dated 16th May, 1981.

[F. No. 5/2/88-EI&amp;EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का. आ. 3314.—केन्द्रीय सरकार, निर्यात क्वालिटी नियंत्रण और निरीक्षण अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स टाटा इंजीनियरिंग एण्ड लोकोमोटिव कम्पनी लिमिटेड, जमशेदपुर-60 में विनिर्मित आटोमोबाइल के पुर्जों, संघटकों और उपसाधनों का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स टाटा इंजीनियरिंग एण्ड लोकोमोटिव कम्पनी लिमिटेड को, जिनका रजिस्ट्रीकृत कार्यालय, बम्बई हाउस, 24 होमी मोदी स्ट्रीट, बम्बई-400023 में है, 16 मई, 1994 से तीन और वर्ष की अवधि के लिए का. आ. 1481 तारीख 16 मई, 1981 के अनुसार अधिसूचित शर्तों के अधीन रहने हुए, अभिकरण के रूप में मान्यता देती है।

[फाइल सं. 5/2/88-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बन्ना, निदेशक

New Delhi, the 1st November, 1994

S.O. 3314.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a further period of three years with effect from 16th May, 1994, M/s. Tata Engineering and Locomotive Company Limited, having their registered office at Bombay House, 24, Homi Street, Bombay-400023, as the agency, for inspection of automobile spares, components and accessories manufactured at M/s. Tata Engineering and Locomotive Company Limited, Jamshedpur-10 prior to export, subject to the conditions notified vide S.O. 1481 dated 16th May, 1981.

[F. No. 5/2/88-EI&EP]

SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का.आ. 3315:—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, मैसर्स एस जी एस इण्डिया लिमिटेड, मैगनीज हाऊस, दूसरी तथा तीसरी मंजिल, हारबर रोड, विशाखापत्तनम को वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3975 तारीख 20-12-1965 तथा अधिसूचना सं. 3978 तारीख 20-12-1965 से संबद्ध अनुसूची में विनिर्दिष्ट क्रमशः खनिज तथा अयस्क (ग्रुप-1) तथा (ग्रुप-II) का विशाखापत्तनम में निर्यात से पूर्व निरीक्षण करने के लिए एक अभिकरण के रूप में मान्यता प्रदान करती है, अर्थात्:—

- (1) मैसर्स एस जी एस इण्डिया लिमिटेड, विशाखापत्तनम खनिज तथा अयस्क (ग्रुप-I) तथा (ग्रुप-II) के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अन्तर्गत निरीक्षण का प्रमाण-पत्र देने के लिए अभिकरण द्वारा अपनाई गई पद्धति को जांच करने के लिए इस संबंध में निर्यात निरीक्षण परिषद् द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

- (2) मैसर्स एस जी एस इण्डिया लिमिटेड, विशाखापत्तनम इस अधिसूचना के अधीन अपने कृत्यों के पालन में निदेशक) निरीक्षण एवं क्वालिटी नियंत्रण) द्वारा समय-समय पर लिखित दिए गए सभी निर्देशों से बाध्य रहेंगे।

[फाइल सं. 5/15/94-ई.आई.एण्ड ई.पी.]

कुमारी सुमा सुब्बन्ना, निदेशक

New Delhi, the 1st November, 1994

S.O. 3315.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three years from the date of publication of this notification, M/s. SGS India Ltd., Maganese House, 2nd and 3rd floors, Harbour Road, Vishakhapatnam, as an agency for the inspection of Minerals and Ores (Group-I) and (Group-II) specified in Schedule annexed to Ministry of Commerce Notification No. S.O. 3975 dated 20-12-1965 and Notification No. 3978 dated 20-12-1965 respectively prior to export at Vishakhapatnam, subject to the following conditions, namely:—

- that M/s. SGS India Ltd., Vishakhapatnam shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of Export of Minerals and Ore (Group-I) and (Group-II) (Inspection) Rules, 1965;
- that M/s. SGS India Ltd., Vishakhapatnam in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5/15/94-EI&EP]

KUM. SUMA SUBBANNA, Director

नयी दिल्ली, 1 नवम्बर, 1994

का.आ. 3316:—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार मैसर्स मित्रा एस.के. प्रा.लि. 23-22-14 बीच रोड, विशाखापत्तनम-530001 को 21-9-94 से तीन वर्ष की अवधि के लिए खनिज तथा अयस्क (ग्रुप-1) तथा (ग्रुप-II) के निर्यात से पूर्व निरीक्षण के लिए विशाखापत्तनम में वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3975 तारीख 20-12-1965 और अधिसूचना सं. का.आ. 3978 तारीख 20-12-1965 में क्रमशः संलग्न अनुसूची में विनिर्दिष्ट के अनुसार निम्नलिखित शर्तों के अधीन एक अभिकरण के रूप में मान्यता प्रदान करती है, अर्थात्:—

- (1) मैसर्स मित्रा एस.के. प्रा.लि. विशाखापत्तनम निर्यात निरीक्षण परिषद् द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा जिससे कि खनिज तथा अयस्क

(ग्रुप-I) तथा (ग्रुप-II) के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अंतर्गत प्रमाण-पत्र दिया जा सके।

- (2) मैसर्स मित्रा एस.के. प्रा.लि. विशाखापत्तनम इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

[फाईल सं. 5(6)/79-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3316.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for further period of three years with effect from 21-9-1994, M/s. Mitra S. K. Pvt. Ltd., 23.22.14 Beach Road, Visakhapatnam-530001, as an agency for the inspection of Minerals and Ores (Group-I) and (Group-II) specified in Schedule annexed to Ministry of Commerce Notification No. S.O. 3975 dated 20-12-1965 and Notification No. S.O. 3978, dated 20-12-1965 respectively prior to export at Visakhapatnam subject to the following conditions, namely :—

- (i) that M/s. Mitra S. K. Pvt. Ltd., Visakhapatnam shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of Export of Minerals and Ores (Group-I) and (Group-II) (Inspection) Rules, 1965 ;
- (ii) that M/s. Mitra S. K. Pvt. Ltd., Visakhapatnam in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5(6)/91-EI&EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का.आ.3317 :—निर्यात (क्वालिटी नियंत्रण तथा निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार मैगनीज डायक्साइड (3) बोक्साईड रहित कैल्सिड बोक्साईड सहित खनिज तथा अयस्क ग्रुप-1 अर्थात् (1) कच्चे लोहे (2) कच्चे मैगनीज का होस्पेट में निर्यात से पूर्व निरीक्षण करने के लिए अमरावती, होस्पेट-583201 में स्थित देवी एण्ड कम्पनी को जिनका रजिस्ट्रीकृत कार्यालय 112/1ए, 11 फ़ास मालेप्वरम, बेंगलूर-560003 में है इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए निम्न शर्तों के अधीन एतद्वारा अभिकरण के रूप में मान्यता देती है, अर्थात् :—

- (1) मैसर्स देवी एण्ड कं. निर्यात निरीक्षण परिषद् द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा ताकि खनिज तथा

अयस्क ग्रुप-1 के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अंतर्गत निरीक्षण का प्रमाण-पत्र दिया जा सके,

- (2) मैसर्स देवी एण्ड कम्पनी इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में दें।

[फाईल सं. 5/20/94-ई आई एण्ड ई पी.]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3317.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years from the date of publication of this notification M/s. Devi and Co., located at Amaravati, Hospet-583201 and having their registered Office at 112/1-A, 11th Cross, Malleswaram Bangalore-560003 as an agency for the inspection of Minerals and Ores Group-I, namely (1) Iron Ore (2) Manganese Ore excluding Manganese Dioxide (3) Bauxite including Calcined Bauxite, prior to export at Hospet subject to the following conditions, namely :—

- (i) that M/s. Devi and Co. shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group I (Inspection) Rules, 1965 ;
- (ii) that M/s. Devi and Co. in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5/20/94-EI&EP]

KM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का.आ.3318 :—निर्यात (क्वालिटी नियंत्रण तथा निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैगनीज डायक्साइड, बोक्साईड रहित, कैल्सिड बोक्साईड सहित खनिज तथा अयस्क (ग्रुप-1) अर्थात् कच्चे लोहे, मैगनीज लोहे का बलारी में निर्यात से पूर्व निरीक्षण करने के लिए, 49 पेची नगर, कप्पाल रोड, बलारी में स्थित मैसर्स इटालेव प्रा.लि. को जिनका रजिस्ट्रीकृत कार्यालय मेहर हाऊस, 15 कप्वासजी पटन स्ट्रीट, फोर्ट, बम्बई-600001 में है इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए निम्न शर्तों के अधीन एतद्वारा अभिकरण के रूप में मान्यता देती है, अर्थात् :—

- (1) मैसर्स इटालेव प्रा.लि. बलारी निर्यात निरीक्षण परिषद् द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गई निरीक्षण पद्धति का जांच करने के लिए पर्याप्त सुविधाएं देगा ताकि

खनिज तथा अयस्क ग्रुप-1 के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अन्तर्गत निरीक्षण का प्रमाण-पत्र दिया जा सके,

- (2) मैसर्स इटालेब प्रा. लि. इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में दें।

[फाईल सं. 5/18/94-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3318.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years from the date of publication of this notification, M/s. Italab Pvt. Ltd., located at 49-Pecchy Nagar Kappagal Road, Bellary & having their registered office at Meher House, 15 Cawasji Patel Street, Fort, Bombay-400001, as an agency for the inspection of Minerals and Ores Group I namely Iron Ore, Manganese Ore excluding Manganese Dioxide, Bauxite including Calcined Bauxite, prior to export at Bellary subject to the following conditions, namely :

- (i) that M/s. Italab Pvt. Ltd., Bellary shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group I (Inspection) Rules, 1965 ;
- (ii) that M/s. Italab Pvt. Ltd., Bellary in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5/18/94-EI&EP]

K. M. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का.आ.3319:—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, खनिज तथा अयस्क (ग्रुप-1), नामतः कच्चा लोहा एवं मैंगनीज डायक्साइड रहित, कच्चा मैंगनीज का मैंगलूर में निर्यात से पूर्व निरीक्षण करने के लिए रघु बिल्लिंग, पहली मंजिल, उर्वा स्टोर मैंगलूर-575006 पर स्थित मैसर्स जे.बी. बोडा सर्वेयर्स प्रा. लि. को और जिनका रजिस्ट्रीकृत कार्यालय मेकर भवन नं.-1, सर बिठ्ठलदास ठाकरसे मार्ग, बम्बई-400020 में है 8-3-1994 से तीन वर्षों की अवधि के लिए निम्न शर्तों के अधीन एतद्वारा अभिकरण के रूप में मान्यता देती है, अर्थात्:—

- (1) मैसर्स जे.बी. बोडा सर्वेयर्स प्रा. लि. इस संबंध में निर्यात निरीक्षण परिपद द्वारा नामित अधिकारी को उनके द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं

देगा ताकि खनिज तथा अयस्क ग्रुप-1 के निर्यात (निरीक्षण) नियम, 1965 के नियम, 4 के अन्तर्गत प्रमाण-पत्र दिया जा सके।

- (2) मैसर्स जे.बी. बोडा सर्वेयर्स प्रा. लि. इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगी जिन्हें निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

[फाईल सं. 5/6/94-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3319.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 8-3-1994, M/s. J. B. Boda Surveyors Pvt Ltd., located at Raghu Building, 1st floor, Urwa Stores, Mangalore-575006 and having their registered office at Maker Bhavan No. 1, Sir Vithaldas Thackersey Marg, Bombay-400020, as an agency for inspection of Minerals and Ores (Group-I), namely Iron Ore and Manganese Ore excluding Manganese Dioxide, prior to export at Mangalore, subject to the following conditions, namely :—

- (i) that M/s. J. B. Boda Surveyors Pvt. Ltd., shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group-I (Inspection) Rules, 1965 ;
- (ii) that M/s. J. B. Boda Surveyors Pvt. Ltd. in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5/6/94-EI&EP]

KM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का.आ.3320:—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सुन्दरम फास्टनर्स लिमिटेड, पैडी मद्रास-600050 में विनिर्मित कीलकों का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स सुन्दरम फास्टनर्स लिमिटेड को, जिनका रजिस्ट्रीकृत कार्यालय, 37, माउंट रोड मद्रास-600006 में स्थित है। 16 मई, 1994 से तीन और वर्ष की अवधि के लिए का.आ. 1492 तारीख 16 मई, 1981 के अनुसार अधिसूचित शर्तों के अधीन रहते हुए, अभिकरण के रूप में मान्यता देती है।

[फाईल सं. 5/23/94 ई आई एण्ड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3320.—In exercise of powers conferred by Sub section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 16th May 1994, M/s. Sundram Fasteners Limited, having their registered office at 37, Mount Road, Madras-600006, as the agency for inspection of fasteners, manufactured at M/s. Sundram Fasteners Limited, Padi Madras-600050 prior to export, subject to the conditions notified vide S.O. 1492 dated 16th May, 1981.

[F. No. 5/23/94-EI&amp;EP]

KM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का.आ. 3321 —केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ब्रेक इंडिया लिमिटेड पेडी, मद्रास-650050 में विनिर्मित ओटर गाडी के पुर्जों अर्थात् ब्रेक समुच्चय मास्टर सिलेंडर, व्हील मिलेंडर, उनके पुर्जों, सम्मत के सामान तथा ब्रेक होजिज का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स ब्रेक इंडिया लिमिटेड को जिनका रजिस्ट्रीकृत कार्यालय 180 माऊंट रोड, मद्रास-600006 में स्थित है, 13 अगस्त, 1994 से तीन और वर्ष की अवधि के लिए का.आ. 2706 तारीख 13 अगस्त, 1984 के अनुसार अधिसूचित शर्तों के अधीन रहते हुए, अभिकरण के रूप में मान्यता देती है।

[फाइल सं. 5(9)/88-ईआईएंडईपी]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3321.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a further period of three years with effect from 13-8-1994 M/s. Brakes India Limited, having their registered office at 180, Mount Road, Madras-600006, as the agency for inspection of Automobile Spares viz. Brake assembly, Master Cylinder, wheel cylinder, their parts, repair kits and Brake Hoses manufactured at M/s. Brakes India Ltd. Padi, Madras-600050, prior to export subject to conditions notified vide S.O. 2706 dated 13th August, 1984.

[File No. 5/9/88-EI&amp;EP]

KM. SUMA SUBBANNA, Director

नई दिल्ली, 1 नवम्बर, 1994

का.आ. 3322 —निर्यात (क्वालिटी नियंत्रण तथा निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार खनिज तथा अयस्क (ग्रुप-I) का बेलारी में निर्यात से पूर्व निरीक्षण करने के लिए 30-हाऊसिंग बोर्ड, कालोनी, गांधी नगर, बेलारी-3 में स्थित मैसर्स एस्सन एण्ड कं. जिनका रजिस्ट्रीकृत कार्यालय, 106 (पुरानी सं. 550), 8, मेन रोड, मालेश्वरम वेस्ट, बंगलूर-560055 पर है इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए निम्न-

लिखित शर्तों के अधीन एतद्वारा अभिकरण के रूप में मान्यता देनी है, अर्थात् :—

(1) मैसर्स एस्सन एंड कंपनी निर्यात निरीक्षण परिषद् द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा ताकि खनिज तथा अयस्क ग्रुप-I के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अन्तर्गत निरीक्षण का प्रमाण पत्र दिया जा सके;

(2) मैसर्स एस्सन एंड कंपनी इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में दें।

[फाइल सं. 5/19/94-ईआईएण्डईपी]

कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 1st November, 1994

S.O. 3322.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years from the date of publication of this notification, M/s. Essen and Co., located at 39-Housing Board, Colony, Gandhinagar, Bellary-3, and having their registered office at 106 (Old No. 550), 8th Main Road, Malleswaram West, Bangalore-560055, as an agency for the inspection of Minerals and Ores (Group-I), prior to export at Bellary subject to the following conditions, namely :—

- (i) that M/s. Essen and Co. shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection rule 4 of the Export of Minerals and Ores Group I (Inspection) Rules, 1965 ;
- (ii) that M/s. Essen and Co. in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5/19/94-EI&amp;EP]

KM. SUMA SUBBANNA, Director

विदेश व्यापार महानिदेशालय

आदेश

नई दिल्ली, 2 नवम्बर, 1994

का. आ. 3323—दिल्ली नगर निगम के राजघाट पावर हाउस, नई दिल्ली के मैसर्स दिल्ली विद्युत प्रदाय संस्थान की सधों एम्प्लीकायडर कार्ड एनेलांग इनपुट कार्ड हवाई लेवल इन्सुलेटर कार्ड पैनल इंटरफेस बोर्ड आक्सीलरी फंक्शन कार्ड रिले ड्राइवर कार्ड को 16 नगों का आयात करने के लिए 1.05890 (एक लाख पांच हजार आठ सौ नब्बे रु.) का आयात लाइसेंस सं. पी डी/2323807 दिनांक 24-6-94 दिया गया था फर्म ने उक्त लाइसेंस की सीमाशुल्क/विनियम नियंत्रण प्रति की अनुलिपि इस आधार पर मांगी है क्योंकि उनसे उक्त लाइसेंस की मूल सीमाशुल्क/विनियम नियंत्रण प्रति कहीं खो गई है या इधर-उधर हो गई है। आगे यह भी

कहा गया है कि लाइसेंस की सीमाशुल्क विनियम नियंत्रण प्रति किसी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं करवाई गई थी और हम प्रकार सीमाशुल्क प्रयोजन प्रति का बिल्कुल प्रयोग नहीं किया गया।

2. अपने दावे के समर्थन में लाइसेंसधारी ने 22-7-94 को नोटरी पब्लिक के समक्ष रसीदी कागज पर एक शपथपत्र प्रस्तुत किया है। तदनुसार मैं संतुष्ट हूँ कि दिनांक 24-6-94 का आयात लाइसेंस संख्या पी/डी 2323807 फर्म में कहीं खो गया है, या झूठ-उधर हो गया है अतः विदेश व्यापार महानिदेशालय, नई दिल्ली द्वारा जारी किये गये आदेश सा.आ. 1060 (स्था.) दिनांक 31-12-93 के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, दिल्ली विद्युत प्रदाय संस्थान को जारी की गयी लाइसेंस की सीमाशुल्क प्रयोजन प्रति/विनियम नियंत्रण प्रति सं. पी/डी 2323807 दिनांक 24-6-94 एतद्वारा रद्द की जाती है।

3. उक्त लाइसेंस की सीमाशुल्क/विनियम नियंत्रण प्रति की अनुलिपि पार्टी को अलग से जारी की जा रही है।

[फाइल सं. स्पलाई/एनएस 3/178/एमएस 95 एस एलएस/201]

एच.एल. अस्वाल, उप महानिदेशक, विदेश व्यापार

(Directorate General of Foreign Trade)

#### ORDER

New Delhi, the 2nd November, 1994

S.O. 3323.—M/s. Delhi Electric Supply Undertaking of M.C.D. Rajghat Power House, New Delhi, were granted an import licence No. P/D/2323807 dated 24-6-94 for Rs. 1,05,890 (Rupees One lakh five thousand eight hundred and ninety only) for Import of 16 Nos. of SERVO Amplifier Gard Analog Input Card HILEVEL Insulator Card Panel Interface Board Auxiliary Function Card Relay Driver Card. The firm has applied for issue of Duplicate copies of Customs and Exchange Control purposes copy of the above mentioned licence on the ground that the original Customs purposes and Exchange control copies of the licence have been lost or misplaced. It has further been stated that the Customs purposes and Exchange control copy of the licence was not registered with any Customs Authority and as such the value of Customs purpose copy has not been utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public on 22-7-94. I am accordingly satisfied that the original Customs purposes and Exchange control copy of import licence No. P/D/2323807 dated 24-6-94 has been lost or misplaced by the firm. In exercise of the powers conferred on me under order S.O. 1060(E) dated 31-12-93 issued by DGFT New Delhi, Customs purposes and Exchange control copies No. P/D/2323807 dated 24-6-94 issued to M/s. DESU, are hereby cancelled.

3. Duplicate Customs purposes and Exchange control copies of the said licence are being issued to the party separately.

[F. No. SPL/NS. 3/178/AM. 95/SLS/201]

H. L. ASWAL, Dy. Director General of Foreign Trade

नई दिल्ली, 7 नवम्बर, 1994

का.आ. 3324—केंद्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की वेदखली) अधिनियम, 1971 (1971 का 40) की द्वारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे की सारणी के स्तंभ (1) में उल्लिखित अधिकारी को, जो सरकार के राजपत्रित अधिकारी की पंक्ति का समतुल्य अधिकारी है, उक्त अधिनियम के प्रयोजन के लिए स्टेट ट्रेडिंग कॉर्पोरेशन ऑफ इंडिया लिमिटेड में सम्पदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तंभ (2) में की तत्स्थानी प्रविष्टि में विनिर्दिष्ट सरकारी स्थान के संबंध में उक्त अधिनियम के द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उस पर अधिरोपित कर्तव्यों का पालन करेगा।

#### सारणी

(1)	(2)
(श्री एल. एन. कटारिया) मुख्य कार्मिक प्रबन्धक, स्टेट ट्रेडिंग कॉर्पोरेशन ऑफ इंडिया लिमिटेड, जवाहर व्यापार भवन, टाल्सटोय मार्ग, नई दिल्ली।	जवाहर व्यापार भवन, नई दिल्ली सहित स्टेट ट्रेडिंग कॉर्पोरेशन ऑफ इंडिया लिमिटेड से संबंधित निवास स्थान और साथही कार्यालय स्थान।

[फाइल सं. 6/6/92-एफ.टी. (एस.टी.)]

ए.सी. कालरा, अवसर सचिव

New Delhi, the 7th November, 1994

S.O. 3324.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being an officer equivalent to the rank of Gazetted Officer of the Government, to be estate officer in State Trading Corporation of India Limited, for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act, in respect of the Public Premises specified in the corresponding entry in column (2) of the said Table.

#### TABLE

1	2
(Shri L.N. Kataria) Chief Personnel Manager, State Trading Corporation, of India Ltd. Jawahar Vyapar Bhawan, Telstoy Marg, New Delhi	The residential accommodation as well as the office premises belonging to State Trading Corporation of India Ltd. including Jawahar Vyapar Bhawan, New Delhi.

[File No. 6/6/92-FT(ST)]

A. C. KALRA, Under Secy.

## मानव संसाधन विकास मंत्रालय

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

(महिला एवं बाल विकास विभाग)

नई दिल्ली, 14 नवम्बर, 1994

पूर्त विन्यास अधिनियम, 1890 (1890 का 6) के मामले

में राष्ट्रीय बाल कोष, नई दिल्ली के मामले में

नई दिल्ली, 31 अक्टूबर, 1994

का.आ. 3325—पूर्त विन्यास अधिनियम, 1890 (1890 का 6) की धारा 10 के अनुसरण में केन्द्रीय सरकार एतद्वारा आदेश देती है कि भारत के लिए पूर्त विन्यास के खर्चा की भूतपूर्व वित्त मंत्रालय आर्थिक कार्य विभाग, नार्थ ब्लॉक-ए, नई दिल्ली में निहित तथा सचिव खर्चा की (राष्ट्रीय बाल कोष) के नामे जमा रु. 20,00,000/- (बीस लाख रुपये केवल मात्र) के अंकित मूल्य को निम्नलिखित प्रतिभूतियों, संबंधी प्रतिदान आय को सचिव खर्चा की (राष्ट्रीय बाल कोष) के नाम अंतरित कर दिया जाए।

प्रतिभूतियों का विवरण	अंकित मूल्य	जिस तिथि को देय है
पन्चवर्षीय डाकबाला	10,00,000	22-10-1994
आवधिक जमा योजना		
—तदेव—	10,00,000/-	23-10-94

[सं. 13-6-94 टी.आर.]

रतन चन्द, अव्वर सचिव

## MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Women and Child Development)

## IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT, 1890 (6 of 1890)

## IN THE MATTER OF THE NATIONAL CHILDREN'S FUND, NEW DELHI

New Delhi, the 31st October, 1994

S.O. 3325.—In pursuance of Section 10 of the Charitable Endowments Act, 1890 (6 of 1890), the Central Government do hereby order that the redemption proceeds in respect of the following securities of the face value of Rs. 20,00,000 (Rupees Twenty lakh only) held in the name of Secretary-Treasurer (NCF) and vested in the Treasurer of Charitable Endowments for India erstwhile Ministry of Finance, Department of Economic Affairs, North Block, New Delhi be transferred to the Secretary-Treasurer (NCF).

Description of Securities	Face Value Value	Maturing on
	Rs.	
1. Five Years Post Office Time Deposit Scheme	Rs. 10,00,000/-	22-10-1994
2. Five Years Post Office Time Deposit Scheme	Rs. 10,00,000/-	23-10-1994

[F. No. 13-6/94-TR]

RATTAN CHAND, Under Secy.

का.आ. 3326—पेट्रोलियम एवं खनिज पाइपलाइन (भूमि के उपयोग का अर्जन) अधिनियम, 1962 (1962 का 50 वां) की धारा 2 के खण्ड (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा नीचे दी गई अनुसूची के कॉलम-1 में उल्लिखित प्राधिकारी को उक्त कॉलम-3 की तदनुसूची प्रविष्टि में उल्लिखित क्षेत्र की सीमाओं के भीतर उक्त अधिनियम के अंतर्गत सक्षम प्राधिकारी के कार्य करने के लिए एतद्वारा प्राधिकृत करती है।

## अनुसूची

व्यक्ति का नाम	पता	क्षेत्रीय अधिकार
1	2	3
विजयपाल सिंह	गैस अथॉरिटी आफ इंडिया लि. राजस्थान होटल प्रताप प्लेस, वर्ड सन्चुरी रोड भरतपुर	

[मं एल-14016/18/93 जी.पी.]

अर्धेन्दु सेन, निदेशक

## MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 14th November, 1994

S.O. 3326.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962), the Central Government hereby authorise the authority mentioned in Column-1 of the schedule below to perform the function of Competent Authority under the said act within the area mentioned in the corresponding entry in the Column 3 of the said schedule :—

## SCHEDULE

Name of the Person	Address	Territorial Jurisdiction
1	2	3
Vijaypal Singh	Gas Authority of India Ltd, Hotel Pratap Place bird Centaury Road, Bharatpur.	Rajasthan

[No. L-14016/18/93-G.P.]

ARDHENDU SEN, Director

**पेट्रोलियम और प्राकृतिक गैस संभालय**

नई दिल्ली 21 नवम्बर, 1994

का. घा. 3327—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में लेन्ड फाल पोइन्ट सुवाली से रिलायन्स इन्डस्ट्रीज लिमिटेड, हजिरा प्रोजेक्ट, सुरत तक पेट्रोलियम के परिवहन के लिए पाईपलाईन रिलायन्स इन्डस्ट्रीज लिमिटेड, हजिरा प्रोजेक्ट, सुरत द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिए एतद्वाक्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बनस कि उक्त भूमि में हितवन्त कोई व्यक्ति, उस भूमि के नीचे पाईपलाईन बिछाने के लिए आक्षेप सक्षम पाधिकारी, सुरत एवं बलसाड जिला, गुजरात राज्य, तेल तथा प्राकृतिक गैस कॉर्पोरेशन ली, हजिरा प्रोजेक्ट ई-2, ममाड़ा चेम्बर्स, रादेश रोड, सुरत को इस अधिसूचना को तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टता यह भी कथन करेगा कि क्या यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी को मार्फत।

**अनुसूची**

लेन्ड फाल पोइन्ट सुवाली से रिलायन्स इन्डस्ट्रीज लिमिटेड, हजिरा प्रोजेक्ट, सुरत तक पाईपलाईन बिछाने के लिए।

राज्य गुजरात	जिला सुरत	तालुका चौर्यासी			
गांव	सर्वेनंबर	हेक्टर	आर	प्रति-आर	
मोरा	148/ए	00	77	00	
	230	02	24	00	

[स 0/12016/4/94 ओ एन जी (डी-4)]

एम. मार्टिन, डीस्क अधिकारी

New Delhi, the 21st November, 1994

S.O. 3327.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from landfall point Survali to Reliance Industries Ltd., Hazira project, Surat in Gujarat State pipeline should be laid by the Reliance Industries Ltd., Hazira project, Surat.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the land may within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Surat & Valsad Districts in Gujarat State, Oil & Natural Gas Corporation Ltd., Hazira Project, E-2, Mazda Chambers, Rander Road, Surat.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

**SCHEDULE**

Pipeline from Land Fall Point, Survali to Reliance Industries Ltd., Hazira Project, Surat.

State : Gujarat District : Surat		Taluka : Choryasi		
Village	Survey No.	H.	Are.	Pr ti Arc
Mcra	148/A	00	77	00
	230	02	25	00

[No. O-12016/4/94-ONG/D-4]

M. MARTIN, Desk Officer

नई दिल्ली, 21 नवम्बर, 1994

का घा. 3328—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में लेन्ड फाल पोइन्ट सुवाली से रिलायन्स इन्डस्ट्रीज लिमिटेड, हजिरा प्रोजेक्ट, सुरत तक पेट्रोलियम के परिवहन के लिए पाईपलाईन रिलायन्स इन्डस्ट्रीज लिमिटेड, हजिरा प्रोजेक्ट सुरत द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिए एतद्वाक्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।



बताते कि उस भूमि में वितरित कोई व्यक्ति उस भूमि के नीचे पाईपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, सुरत एवं वलसाड जिला, गुजरात राज्य, तेल तथा प्राकृतिक गैस कापॉरेशन लीड, हजिरा प्रोजेक्ट, ई-2 मसदा चेम्बर्स, रादेर रोड, सुरत को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टता यह भी कम्बन करेगा कि क्या वह यह चाहता है कि उसकी मुसवाई व्यक्तिगत हो या किसी विशिष्ट व्यवसायी की मार्फत।

#### अनुसूची

\* लेण्ड फॉल पॉइंट सुवाली से रिलायन्स इस्ट्रुडीस लिमिटेड, हजिरा प्रोजेक्ट, सुरत तक पाईपलाइन बिछाने के लिए।

राज्य गुजरात	जिला सुरत	तालुका चोरासी			
गाँव	सर्वे नंबर	हेक्टर	आर	प्रति-आर	
सुवाली	71	00	41	18	
	76/ए/1/1/ए	01	78	99	
	498/पी	02	13	68	
	446/ए	00	15	00	
	59	00	06	34	
	61+62	00	39	60	
	63	00	31	68	
	64	00	12	67	
	65	00	30	10	
	67	00	25	34	
	68	00	06	34	
	70	00	25	34	

[सं. ओ/12016/4(i)/94 ओ एन जी -डी-4]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 21st November, 1994

S.O. 3328.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from landfall point Suvali to Reliance Industries Ltd., Hazira project, Surat in Gujarat State pipeline should be laid by the Reliance Industries Ltd., Hazira project, Surat.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

2570 G1/94—4.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the land may within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Surat & Valsad Districts in Gujarat State, Oil & Natural Gas Corporation Ltd., Hazira Project, E-2, Mazda Chambers, Rander Road, Surat.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

#### SCHEDULE

Pipeline from Land Fall Point, Survali to Reliance Industries Ltd., Hazira Project Surat.

State : Gujarat	District : Surat	Taluka : Choryasi			
Village	Survey No.	H.	Ac.	Prati Acre	
Suvali	71	00	41	18	
	76/A/1/1/A	01	78	99	
	498/P	02	13	68	
	446/A	00	15	00	
	59	00	06	34	
	61+62	00	39	60	
	63	00	31	68	
	64	00	12	67	
	65	00	30	10	
	67	00	25	34	
	68	00	06	34	
	70	00	25	34	

[No. O/12016/4(i)/94-ONG/D-4]

M. MARTIN, Desk Officer

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 18 मई, 1994

का.आ. 3329—होम्सोपैथी केन्द्रीय परिषद् अधिनियम, 1973 (1973 का 59) की धारा 3 की उपधारा (1) के खण्ड (ख) के उपबंधों के अनुसरण में नीच दी गई सारणी के स्तंभ (1) में उल्लिखित व्यक्ति को स्तंभ (2) में उल्लिखित विश्वविद्यालय में निर्वाचित किया गया है।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के स्वास्थ्य और परिवार नियोजन मंत्रालय, स्वास्थ्य विभाग की का.आ. 482(अ), तारीख 6 अगस्त, 1974 द्वारा प्रकाशित अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की सारणी में क्रम सं. 8 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

1	2
“8. डा. अरुण भास्मे, 80, एम.आई.डी.सी., बीड (एम.एस.)	डा. बाबासाहेब अम्बेडकर मराठवाड़ा विश्वविद्यालय”

[सं. बी. 16018/15/87-होम्यो (सी सी एच)]

बी.सी. मेहता, डेस्क अधिकारी

पाद टिप्पण :—मूल अधिसूचना सं.का.आ. 482(अ), तारीख 6 अगस्त, 1974 द्वारा जारी की गई थी और उसमें अधिसूचना सं.बी. 26018/15/87-होम्यो(सी.सी.एच.) (ii), तारीख 29 अगस्त, 1990 तथा अधिसूचना सं. बी. 26018/15/87-होमियो (सी.सी.एच.), तारीख 25 सितम्बर, 1992 द्वारा बाद में संशोधन किए गए।

#### MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 18th May, 1994

S.O. 3329.—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the person mentioned in column (1) of the Table below has been elected from the University mentioned in column (2).

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Planning, Department of Health, published vide S.O. 482(E), dated the 6th August, 1974, namely :—

In the Table to the said notification, for serial number 8 and entries relating thereto, the following shall be substituted, namely :—

1	2
“8. Dr. Arun Bhasme, 80, M. I D C., Beed (MS)	Dr. Babasaheb Ambedkar Marathwada, University”

[No. V. 26018/15/87-Homoeo (CCH)]

B. C. MEHTA, Desk Officer

Foot Note.—The original Notification was issued vide No. S.O. 482(E) dated the 6th August, 1974 and subsequently amended by notification No. V. 26018/15/87-Homoeo (CCH)(ii) dated 29th August, 1990 and No. V. 26018/15/87-Homoeo (CCH) dated the 25th September, 1992.

#### शहरी विकास मंत्रालय

(दिल्ली प्रभाग)

नई दिल्ली, 25 अक्टूबर, 1994

का.आ. 3330—यतः कतिपय संशोधन, जिन्हें केन्द्र सरकार वृहद योजना-2001 में प्रस्तावित करती है तथा जो दिल्ली विकास अधिनियम, 1956 (1957 का 61) की धारा-44 के प्रावधानों के अनुसार दिनांक 18-9-93 के नोटिस संख्या एफ-10(19)/91-एम.पी. द्वारा प्रकाशित किये गये थे जिसमें उक्त अधिनियम की धारा-11-क की उप-धारा (3) में अपेक्षित आपत्तियाँ/सुझाव, उक्त नोटिस की तारीख के 30 दिन की अवधि में आमंत्रित किए गए थे;

यतः उक्त प्रस्तावित संशोधनों के बारे में जनता में तीन आपत्तियाँ/सुझाव मिले हैं, जिन पर प्राधिकरण द्वारा विचार किया गया है;

और यतः केन्द्र सरकार ने मामले के सभी पहलुओं पर ध्यानपूर्वक विचार करने के पश्चात् दिल्ली वृहद योजना/क्षेत्रीय विकास योजना में संशोधन करने का निर्णय किया है।

अतः, अब, केन्द्र सरकार, उक्त अधिनियम की धारा 11-क की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से दिल्ली की उक्त वृहद योजना में एतद्वारा निम्नलिखित संशोधन करती है।

संशोधन :—दिनांक 1-8-90 के भारत के राजपत्र के भाग-II, खण्ड-3, उपखण्ड(ii) में पृष्ठ-155 (वाहिनी तरफ) पर “सिनेमा (0.28) “उपशीर्षक के तहत “व “वाणिज्यिक कार्यालय” शब्दों के पश्चात् आने वाले निम्न-लिखित शब्द हटाए जाते हैं :—

“कुल फर्शी क्षेत्र के 20 प्रतिशत तक”

[सं. -13011/17/92-डी.डी.-I बी/ए]

एस.सी. सागर, अव्वर सचिव

#### MINISTRY OF URBAN DEVELOPMENT

(Delhi Division)

New Delhi, the 25th October, 1994

S.O. 3330.—Whereas certain modifications, which the Central Government proposed to make in the Master Plan for Delhi-2001, were published with Notice No. F. 10(19)/91-MP dated 18-9-93 in accordance with the provisions of Section 44 of the Delhi Development Act, 1956 (61 of 1957) inviting objections/suggestions as required by sub-section (3) of Section 11-A of the said Act, within thirty days from the date of the said notice :

Whereas, three objections/suggestions were received from the public with regard to the said proposed modifications which have been considered by the Authority.

And, whereas, the Central Government have after carefully considering all aspects of the matter, decided to modify the Master Plan for Delhi/Zonal Development Plan;

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 11-A of the said Act, the Central Government hereby makes the following modification in the said Master Plan for Delhi with effect from the date of publication of this Notification in the Gazette of India.

#### MODIFICATION

At page 155 (right hand column), Gazette of India, Part II, Section 3, sub-section (ii) dated 1-8-90 under sub-heading 'Cinema (0.28)' the following words coming after the words 'commercial office' are deleted :

'Up to 20 per cent of the total floor area.'

[No. K-13011/17/92-DDIB/VA]  
S. C. SAGAR, Under Secy.

पर्यावरण और वन मंत्रालय

पशु कल्याण प्रभाग

नई दिल्ली 15 नवम्बर, 1994

का.आ. 3331—जीव जन्तु क्रूरता निवारण अधिनियम, 1960 (1960 का 59) की धारा 5क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा पर्यावरण और वन मंत्रालय की अधिसूचना संख्या का.आ. 222(ई) दिनांक 11 मार्च, 1992 में निम्नलिखित संशोधन करती है :—

उपरोक्त अधिसूचना में क्रम संख्या-27 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित संख्या और प्रविष्टियाँ जोड़ी जाएंगी, नामतः

"28. स्वास्थ्य अधिकारी, धारा 5 (1)(ई) के शिलांग नगर पालिका बोर्ड, अंतर्गत चयनित सदस्य" शिलांग, मेघालय।

[मि. संख्या 1-9/91-ए. डब्ल्यू.]  
सर्वेश्वर झा, संयुक्त सचिव

टिप्पणी : प्रमुख अधिसूचना दिनांक 11 मार्च, 1992 की का.आ. 222(ई) के तहत प्रकाशित की गई थी तथा बाद में इसमें दिनांक 25 जलाई, 1992 की का.आ. 1967, दिनांक 7 नवम्बर, 1992 की का.आ. 2795, दिनांक 6-3-93 की का.आ. 813 तथा दिनांक 24-8-1993 की का.आ. 1899 के तहत संशोधन किया गया था।

MINISTRY OF ENVIRONMENT AND FORESTS

(Animal Welfare Division)

New Delhi, the 15th November, 1994

S.O. 3331.—In exercise of the powers conferred by section 5-A of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Environment and Forests, Number S.O. 222(E), dated the 11th March, 1992, namely :—

In the said notification after serial number 27 and the entries relating thereto, the following serial number and the entries shall be added, namely :—

"28. Health Officer, Member elected under Section 5(1) (e) Shillong Municipal Board, Shillong, Meghalaya.

[F. No. 1-9/91-AW]  
SARWESHWAR JHA, Jt. Secy.

Note :—The principal notification was published in the Gazette of India vide number S.O. 222(E), dated 11th March, 1992 and subsequently amended vide S.O. 1967, dated 25th July 1992, S.O. 2795, dated 7th November, 1992 S.O. 813, dated 6-2-1993 and S.O. 1899, dated 24-8-1993.

अम मंत्रालय

नई दिल्ली, 27 अक्टूबर, 1994

का.आ. 3332—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार आंध्रा बैंक के प्रबन्धन के संबंध में निहित औद्योगिक विवाद में कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण विशाखापटनम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-94 को प्राप्त हुआ था।

[संख्या एल-12011/68/90-आई.आर.बी.-2]

वी.के. शर्मा, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 27th October, 1994

S.O. 3332.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Industrial Tribunal Visakhapatnam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Andhra Bank and their workmen, which was received by the Central Government on 26-10-94.

[No. L-12011/68/90 IR(B-II)]  
V. K. SHARMA, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT VISAKHAPATNAM

PRESENT :

Sri KV.s Suryanarayana Murthy, B.L., Chairman and Presiding Officer.

Thursday, the 22nd day of September, 1994

I.T.I. No. 3/92 (Central)

BETWEEN :

Shri S. Satyaki Prasad, Vice-President, A. D. E. Union, C/o. Andhra Bank, Seethammadhara Branch, Visakhapatnam—530016. Andhra Pradesh.

—Workman.

AND

The Regional Manager, Andhra Bank, D. No. 47-11-29, Near Diamond Park, Dwarakanagar, Visakhapatnam-530 016. Management.

This dispute coming on for final hearing before me in the presence of Shri S. Satyaki Prasad, in person and Shri S. V. Krishna Mohan, advocate for management upon hearing the arguments of both sides the court passed the following :

AWARD

(1) This I. D. is registered on a reference made by Ministry of Labour, Government of India, New Delhi dated 12-3-1991 in letter No. 12011/68/90-IR B II. Following is the reference :

"Whether the action of the management of Andhra Bank in denying the enhanced rate of House Rent allow-

ance applicable to project area 'A' to its award staff is justified? If not, to what relief the award staff are entitled to?"

(2) The brief facts of the claim statement mentioned in the affidavit of the petitioner claimant are as follows: The Central Government declared that Visakhapatnam is one of the Group 'A' city in respect of drawing benefits like house accommodation, HRA etc. to the 'award staff' members with effect from 1-7-1971. Accordingly many of the nationalised banks and scheduled banks situated in Group 'A' areas have been observing the formula to their concerned employees at Visakhapatnam also.

(3) The Goddhabad Bank, Oriental Bank of Commerce, UCO Bank, Punjab National Bank, Indian Bank, United Bank of India, Punjab and Sindh Bank, Corporation Bank, Vijaya bank, Union Bank of India, Bank of India, Syndicate Bank, Central Bank of India, Bank of Baroda, Dena Bank and Indian Overseas Bank mentioned in the annexure have been providing the formula in Visakhapatnam area also. However Andhra Bank of Visakhapatnam is not giving the said benefits inspite of a demand duly made through Vice-President of Andhra Bank Employees Union for implementing the provision relating house accommodation or HRA on par with present implementing Banks.

(4) The management of Andhra Bank in several meetings promised to the employees that it will look after the said demand. Since the matter has been protracted from a long time the union raised a dispute for implementation of the said provision before the Asst. Commissioner of Labour, Central at Visakhapatnam. In the conciliation proceedings though the management participated but did not positively reply to implement the said demand. The problem has been not considered from 1-7-1971. In the said circumstances the employees found no other go approached the Central Government for a reference of the dispute to the industrial tribunal for suitable award which is going to be benefited to all the award staff i.e. Clerks, sub-staff and part-time Sweepers of Andhra Bank who are working in Visakhapatnam Urban area from the date of 1-7-1971. The award refers Zonal manager and it must be binding on Zonal manager along with the Central Office at Hyderabad.

(5) The respondent management filed a written statement mainly contending as follows: The various allegations made in the claim petition are not correct and the petitioner is put to strict proof of the same. The Industrial Tribunal Act, Visakhapatnam has no jurisdiction to adjudicate this dispute. The Central Government is the appropriate Government and this tribunal which was constituted by the state has no powers to entertain the dispute. The respondent is a public sector bank having 3 categories of employees i.e. Officers, Clerks and Sub-staff.

(6) Officers are governed by the provisions of Bank Officers service regulations. The clerical and sub-staff who are termed as "Award Staff" are covered by Shastri Award, Desai Award and bi-partite settlements entered into from time to time. Bi-partite settlements exhaustively dealt with various terms and conditions including appointment, retrenchment and also pay scales, allowance, leave rules and any other additional amounts are to be paid to the award staff. The settlements have been entered into between the Banks and unions and a legal obligation is cast on both the parties to respect and implement those settlements. The respondent is strictly complying and adhering with the provisions contained in B.P. settlements entered into from time to time. So the award staff cannot claim anything more than what has been specified in bi-partite settlements. So long as the settlements are in force, no union or any section of the union much less the petitioner union has a right to agitate for any extra claim that what benefit was given to them as a matter of right. This fact was brought to the notice of conciliation officer, Government misconstrued legal position and has chosen to make reference. Any such reference made by the government is bad in law and so not maintainable. So the petition is to be rejected.

(7) The respondent is paying HRA to "Award Staff" working in Visakhapatnam in terms of the provisions of Bi-partite settlements. The relevant portion is as follows:

2" (a) In project areas, if quarters are not provided by the bank, workman will be paid HRA as under W.E.F. 1.7.83.

(1) Group 'A' 12 1/2% of the pay subject to a minimum of Rs. 55/- per month and maximum of Rs. 220/- p.m.

(2) Group 'B' 10% of the pay subject to a minimum of Rs. 50/- p.m. and maximum of Rs. 175/- p.m.

(b) If at a centre both city compensatory allowance and project area allowance are payable only the higher of the two shall be paid.

(para 3, B.P. Settlement dt. 5-1-87)

(c) (i) Project areas-Group 'A' shall comprise of

(a) Jamshedpur

(b) Bokaro

(c) Rourkela

(d) Bhilai

(e) Durgapur

(f) Burnpur (West Bengal)

(g) Durg (Madhya Pradesh) (h) Visakhapatnam

(i) Any other places agreed to be treated as Project areas Group 'A' by the parties to the B.P. settlement.

(ii) Project area group 'B' shall comprise of

(a) National Township

(b) Talwara

(c) Khetru

(d) Nagarjuna Sagar

(e) Ranchi

(f) Poochanagari

(g) Salem

(h) Ramachandrapuram.

[para-8(1) of B.P. Settlement dt. 19-10-66 and para-II B.P. settlement dt. 8-11-73]

(d) Additions/deletions to the list of project areas will be made by discussion among parties to the B.P. Settlement on the basis of the following principles being satisfied.

(i) The place is declared as project area by the govt.

(ii) The branch of the Bank is situated in the project area.

(iii) The place is far away from the town/city.

(iv) All the land in the place is occupied by the project authorities as a result of which housing is not available at the place (para-12) (ii), B.P. settlement dt. 31-10-79).

(8) House rent allowance in Project areas is granted on the basis that residential accommodation is not available in those areas. Accordingly house rent allowance in these area shall be payable until such a time as the bank is in a position to offer residential accommodation.

(9) In terms of the provisions the 'Award Staff' working at Visakhapatnam are being paid house rent allowance as a project area group 'A'. The working staff who are employed in various branches are being paid house rent allowance at 12% on Pay subject to a maximum of Rs., 220/- as laid down under the provisions of the bi-partite settlement.

(10) There is no violation of the terms of provisions of bi-partite settlement. So the union or its employees cannot have any enforceable right in this matter.

(11) In the project areas such as Rourkela, Bhilai, Tatanagar,

Durgapur, Paradeep Port, the respondent is providing housing accommodation to the award staff with a maximum rental ceilings of Rs. 550/- and Rs. 400/- for the clerical staff and sub-staff cadres respectively. In the said six places the land is entirely occupied by project authorities and so procurement of private houses is extremely difficult. The employees working in these 6 places are finding it practically difficult to procure private houses except at very high rent. Therefore the respondent is paying house rent allowance mentioned above. Since it is beyond the provisions of bipartite settlement and is exclusively at the discretion of the management the petitioner is not entitled to any relief.

(12) Though Visakhapatnam is declared as Project area it is a cosmopolitan area but the entire Visakhapatnam and nearby villages are not project areas. There is a lot of private accommodation available and therefore the union cannot make a claim for enhancing rate of HRA claimed by it.

(13) The contention of the petitioner that certain other banks are paying HRA at different rates will not entitle them to claim the amount from the respondent bank as each bank has its own scheme/policy and the respondent bank cannot be compelled to pay higher amounts than for which they are entitled to in the normal course. The grant of HRA by other banks cannot be a precedent in respect of the respondent to make a payment. Therefore the petition is liable to be dismissed.

(14) The points for consideration are.

- (1) Whether this tribunal has no jurisdiction to entertain this reference?
- (2) Whether the management of Andhra Bank is justified in denying the enhanced rate of house rent allowance applicable to project area to its award staff?
- (3) To what relief?

(15) Point No. 1: A similar question arose in the case of port and dock employees association of Visakhapatnam and Government of India represented by its Secretary, Ministry of Labour and two others in writ petition No. 127/53/91.

(16) In the above case the industrial tribunal-cum-labour court, Visakhapatnam in ITID No. 6/90 (Central) dated 9-8-91 held that it has no jurisdiction on the same point which is now raised in this petition. Negating the said contention His Lordship Sri Sivaraman Nair J. observed as follows:

"Section 7-A constitutes Industrial Tribunal and Labour Courts and provides that a Tribunal shall consist of one person only to be appointed by an appropriate Government. Section 10 deals with reference of disputes to Boards, Courts or Tribunals and provides that, if an appropriate government is of the opinion that any industrial dispute exists or is apprehended, it may at any time by order in writing refer a dispute to :

- (a) a Board for promoting a settlement thereof; or
- (b) refer any matter appearing to be connected with or relevant to the dispute to account for inquiry; or
- (c) Refer the dispute or any matter appearing to be connected with or relevant to, the dispute, if it relates to any matters specified in the second schedule, to a labour court for adjudication; or
- (d) refer the dispute or any matter appearing to be connected with or relevant to, the dispute, whether it relates to any matter specified in the Second Schedule or the Third Schedule to a Tribunal for adjudication;

There are three provisions to Section 19(1). The third proviso was added with effect from 21-8-84 by Act 46 of 1982.

That proviso reads as follows:

"Provided also that, where the dispute in relation to which the Central Government is the appropriate government, it shall be competent for that Government to refer the dispute to a labour court or an Industrial Tribunal, as the case may be, constituted by the State Government."

The third respondent has correctly understood the meaning of the duly amended proviso to authorise the Central Government to make reference to the labour court constituted by the State Government. No proceeds further to hold that the name of the Presiding Officer should have been mentioned, as, according to him, that is the requirement of Rule 5 of the Industrial Dispute Rule. That is in the following terms:

"5. Notification of appointment of Board, Court, Labour Court, Tribunal or National Tribunal; the appointment of a Board, Court, Labour Court, Tribunal or National Tribunal together with the names of persons constituting the Board, Court, Labour Court, Tribunal or National Tribunal shall be notified in the official gazette."

The third respondent has understood the above proviso to mean that, whenever the Central Government makes a reference to a Labour Court or a Tribunal, it shall mention the name of the Presiding Officer in terms of Rule 5. The assumption which underlies the above finding is that the Central Government, while making a reference to the Labour Court, Industrial Tribunal constituted by the State, is on each such occasion, constitution a state tribunal into a central tribunal. If on the other hand, the reference is to a duly constituted tribunal, which has been notified with the name of the Presiding Officer as required by law by the State Government, the reference to that Tribunal by the Central Government will be competent even in the absence of the name of the Presiding Officer. The third respondent hold that it has no jurisdiction to entertain the dispute or pass orders therein only because of the absence of the name of the Presiding Officer. It shall be the anxiety of every authority, Tribunal or court constituted under the Industrial Disputes Act, which is a welfare legislation to effectuate the provisions thereof and the powers exercised thereunder. It shall not be the anxiety of such courts or authorities to refuse jurisdiction on the basis of procedural hassles or an assumption that there is conflict between the Act and the Rules. Even if there is any such conflict, it is elementary that the provisions of the Act will prevail over the provisions of the subordinate legislation.

It appears to me that it is not difficult to read Rule 5 harmoniously with the proviso contained in third proviso to Section 10(1) of the Act, which I have extracted above. There shall necessarily be a difference between an appointment which is mentioned in Sec. 7-A and Rule 5 and a reference which is mentioned under section 10. Requirement of Rule 5 may be relevant only in the matter of appointment by notification of a Tribunal, Board, Labour Court or a National Tribunal. But each individual reference to that labour court or industrial tribunal or board which is duly constituted and notified with the name of the Presiding Officer need not necessarily be by naming the Presiding Officer over again. If the Central Govt. is required by law to constitute the State Tribunal as a Central Tribunal over again, it may be possible to state that there shall be notification of the Presiding Officer of the State Tribunal as the Central Industrial Tribunal as well. Once there is a duly constituted Labour Court or Tribunal reference by the Government of India to

that Tribunal as was made in this case would be sufficient to counter jurisdiction on such Tribunal or Labour Court to entertain and decide the dispute.

In this view, the order of the third respondent in ITID No. 6/90 Central, dt. 9-8-91 is unsustainable and the same is set aside. The third respondent is directed to entertain the dispute and proceed to decide the matter as expeditiously as possible.

These observations will apply to any reference which the Government of India would have made and in which the third respondent has refused to exercise jurisdiction."

(16) Point No. 2: On behalf of the petitioner union Mr. Satyaki Prasad a member and joint secretary of Andhra Bank award employees union in his evidence deposed that Visakhapatnam is in Group 'A' of the project areas. MW1 Mr. I. David Jai Prakash admitted in his evidence that Visakhapatnam is also included in Group 'A' project areas along with Durgapur Bhilai, Rourkela and Durg. He also further stated that Visakhapatnam city is the fastest growing city standing No. 1 in the world. The population of Visakhapatnam is now more than 10 lakhs. After the steel Plant Project came into existence in Visakhapatnam number of projects have come into existence and so the house accommodation problem reached to the optimum. It is an admitted fact that in Visakhapatnam the rent is not paid by the management though in the other cities mentioned in Ex. W6 rent is paid by the management. MW1 pleaded ignorance of the fact of Zonal management recommending for house rent subsidy for the employees in Visakhapatnam project area. It is also an admitted fact that about 18 banks other than Andhra Bank are giving HRA treating Visakhapatnam area as Group 'A'. Ex. W1 to W16 proved the said fact. The house rent subsidy which is paid by the other banks are mentioned in Ex. W1 to W16. The Andhra Bank is paying house rent with ceiling of Rs. 550/- and Rs. 400/- per month to the 'award staff' employees and subordinate staff respectively as mentioned in Ex. W16. At Durgapur, Rourkela, Tatanagar, Ranchi, Paradeep and Bhilai.

(17) Apart from bipartite agreement when a claim is made and there was an attempt of conciliation and when the management is protracting the matter the petitioner union got the reference made by the Central Government. Exs. W1 to W16 do not make any reference to bipartite settlements. The maximum rent payable under the said documents is Rs. 450/- per month and Rs. 350/- per month.

(18) It can be taken judicial notice that the State Government is paying 20% HRA to the employees subject to a maximum of Rs. 1000/- When other banks are paying money towards house rent allowance where quarters are not provided the denial of house rent allowance at the enhanced rate by Andhra Bank to project area group 'A' cannot be said justified in the circumstances stated above. As seen from the annexure the Union Bank of India of Visakhapatnam as opted to pay or make housing accommodation to the award staff at Visakhapatnam with effect from 24-6-92. In the said circumstances I am of the opinion that the award staff of Andhra Bank i.e. (clerical sub-staff) would be entitled to house rent allowance at 20% of the basic pay as is provided in the case of the State Government employees in group 'A' project area like Visakhapatnam. The reference was registered as I.D. in the month of August, 1992. In the said circumstances the petitioner, Andhra Bank award staff employees Union's claim is justifiable. The denial of enhanced rate of house rent

allowance applicable to project area 'A' to its award staff by the management of Andhra Bank is not justifiable. The point is answered accordingly.

(18) In the result an award is passed in favour of the petitioner, Andhra Bank Award staff Union and against the respondent management situated at Visakhapatnam. (Hyderabad Head Office) (I) Directing to consider payment of 20% HRA to project area of Group 'A' at Visakhapatnam on par with Government Employees subject to a maximum of Rs. 1000/-, however if housing accommodation is provided by the Andhra Bank 10% of the basic pay shall be deducted for the concerned individual and the HRA calculated at 20% shall be surrendered by the concerned employee, I(a) or as is paid by other bank's employees referred in the annexure of the claim statement, (II) It shall be effected from December, 1992 and (III) The award shall be implemented by the management of Andhra Bank within a month after receipt of the award by the management.

Dictated to stenographer by her given under my hand and seal of the court this the 22nd day of Sept., 1994.

K. V. SURJANARAYANA MURTHY  
CHAIRMAN & PRESIDING OFFICER

#### APPENDIX OF EVIDENCE IN I.T.I.D.No.3/92

(Central)

#### WITNESSES EXAMINED

FOR WORKMAN FOR MANAGEMENT  
WW1 : S.Satyaki Prasad. MW1 : I.D. Jaya Prakash.

#### DOCUMENTS MARKED

##### FOR WORKMAN

Ex. W1: 11-6-88 Circular of Andhra Bank.  
Ex. W2:— Letter addressed to manager, AP, Vsp, by GM.  
Ex. W3: 5-4-90 Letter addressed to manager, A.B. by G.M.  
Ex. W4:— Letter of Divisional Manager, Hyderabad.  
Ex. W5: 19-4-89 Xerox copy of ltr. by Regional Manager, to the manager, A.B., Vishakhapatnam.  
Ex. W6: 13-12-89 Lr. to Secretary General, Federation of Indian Bank Employees Union.  
Ex. W7: 23-6-92 Lr. to DVM, Canara Bank, Vsp.  
Ex. W8: 9-3-91 Lr. addressed to manager Punjab & Sindh Bank, Vsp.  
Ex. W9: 11-10-91 Lr. to Branch Manager, Punjab & Sindh Bank.  
Ex. W10: 8-1-91 Lr. of Dy. General Manager, Vijaya Bank Vsp.  
Ex. W11: 24-6-92 Lr. to DVM, Canara Bank, Vsp.  
Ex. W12: 9-5-90 Lr. to Chief Manager, Bank of India, Vsp.  
Ex. W13: 27-7-89 Lr. to Chief Manager, Syndicate Bank, Vsp.  
Ex. W14: 17-4-90 Lr. to Regional office, Central Bank, Vijayawada by Chief Officer, Hyderabad.  
Ex. W15: 19-12-91 Circular of Bank of Baroda.  
Ex. W16: 5-1-91 Lr. to Dy. GM, A.B., Bhubaneswar.

##### FOR MANAGEMENT

Ex. M1: 11-3-87 IV Bipartite settlement.  
Ex. M2: 9-2-89 V. Bipartite settlement, clarification on bank rent subsidy.

Ex. M3	Improvement in Vth Bipartite settlement.
Ex. M4-2-9-93	Service conditions of the new appointees in the Bank,
Ex. M5 25-9-93	Payment of HRA/CCA as per 1991 census.
Ex. M6	Extract of Bipartite settlement on project areas.
Ex. M7.	Ban on benefits outside OSRs/Bipartite settlements.

Dated, Dhanbad, the 19th October, 1994

## AWARD

The Government of India, in the Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(C) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(109)/90-I.R. (Coal-I), dated the 17th October, 1990:

## SCHEDULE

Sd/- illegible

CHAIRMAN &amp; PRESIDING OFFICER

Industrial Tribunal cum Labour Court,  
Visakhapatnam.

नई दिल्ली, 27 अक्टूबर, 1994

का.आ. 3333—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स टाटा आयरन एंड स्टील कम्पनी की वेस्ट बोकारो कोलियरी के प्रबंधकों के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-94 को प्राप्त हुआ था।

[संख्या एल-20012/109/90-आई आर (कोल-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 27th October, 1994

S.O. 3333.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of West Bokaro Colliery of M/s. Tata Iron and Steel Co. Ltd. and their workmen, which was received by the Central Government on 26-10-94.

[No. L-20012/109/90-IR(Coal-I)]

BRAJ MOHAN, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 1 AT DHANBAD

## PRESENT:

Shri P. K. Sinha, Presiding Officer

In the matter of an industrial dispute under Section 10(1)(d)  
of the I.D. Act, 1947

Reference No. 269 of 1990

## PARTIES:

Employers in relation to the management of West Bokaro  
Colliery of M/s. Tata Iron and Steel Company Ltd.,  
P.O. Ghatotand, Distt. Hazaribagh.

## AND

Their workmen.

## APPEARANCES:

On behalf of the workmen: Shri J. P. Singh, Advocate.

On behalf of the employees: Shri B. Joshi, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

"Whether the action of the management of West Bokaro Colliery of TISCO Ltd., P.O. Ghatotand District Hazaribagh by not re-instating the service of Sri Pir Mohammed w.e.f. 25-9-89 and onwards and not making payment of arrears of wages and other allied benefits payable to him is legal and justified? If not, to what relief the workman concerned is entitled?"

2. The case of the sponsoring union, representing the workman Pir Mohammed, is that the workman was working in West Bokaro Colliery since 1950 and had an unblemished career in his entire service including in his promoted post of Loco Driver. Accordingly his name was recorded in Form B Register upon which he had signed in English though he was not conversant with the English language. According to the sponsoring union in its Written Statement, assessment of his age was made by the company and entered into Form B Register.

3. The workman was issued identity card in which the date of birth was recorded to be 25-9-29, which date was also reproduced in the new identity card issued in 1979 because of which the workman thought that his date of birth was 25-9-29.

4. However, in July, 1988 he was served with a notice intimating him that he would superannuate on 25-8-89 on completion of 60 years of age. The workman then applied to the management claiming that the date of birth in the company's register was wrong and not in accordance with his identity card. Later he received a letter from the company dated 10-11-88 intimating him that wrong date of birth was inscribed in his identity card because of typographical mistake, whereas the date of birth as recorded in his service sheet was correct.

5. Then the workman obtained his School Leaving Certificate which showed that his date of birth was 25-9-1930 which actually was the accurate date of birth. This date of birth showed that his date of birth as noted in the service record or in the identity card were incorrect.

6. Thereafter the sponsoring union raised industrial dispute in this regard.

7. It has been argued in the W.S. that since in the identity card the date of birth was shown to be 25-9-29, the workman had no reason to verify his actual date of birth, but it was on issuance of retirement notice to the workman that he thought of procuring evidence about his date of birth and obtained the School Leaving Certificate where his date of birth was recorded to be 25-9-1930. According to the sponsoring union, therefore, the workman should have been retired with effect from 25-9-1990 because the date of birth as recorded in the School by the father of the workman must be considered to be the most genuine evidence about the date of birth. According to the sponsoring union the workman should have been reinstated into the service with effect from 25-9-1989, i.e., he should have been allowed to work beyond 25-9-89 in conformity with the date of birth as given in the School Leaving Certificate.

8. The management also filed its written statement justifying the date of birth as recorded in Form B Register, i.e., 25-9-29 stating therein that the workman himself had signed in English in token of acceptance of the correctness of the entries made therein. This date of birth was also corroborated by the entries in the service card. The management has claimed that the identity cards are prepared on the basis of Form 'B' as also the service card entries, with a photograph of the workman so as to identify him, specially at the time of making payments.

9. It has further been averred that the workman did not dispute the stand of the management that mentioning of 25-5-29 as date of birth in the identity card was a typographical mistake. Rather the workman submitted his application dated 18-3-89 for extension of his service by one year, beyond the date of superannuation. It has been mentioned that if a workman is found to be medically fit, he usually is allowed to work for one year more beyond 60 years of age. Accordingly, the concerned workman was also examined by the Medical Board on 19-4-89 and was declared unfit for grant of the extension which was why he was not allowed any extension.

10. It has further been submitted that in the year 1966 age correction committee was constituted and notices were given to every workman for correction of his date of birth recorded in the service card. By a notice dated 18-3-66 the concerned workman was informed that 25-5-29 was entered as his date of birth in the company's records and that he could apply for the correction of the same if he had any objection. But the concerned workman did not apply for any correction thereby accepting the date of birth as recorded in the service record.

11. Thereafter, circulars dated 12/23-4-77 and 7-7-81 were similarly circulated for the correction of entry regarding the date of birth if any workman disputed the entry in the official record. There also the workman did not raise any dispute.

12. It has been submitted that an Award be given in favour of the management.

13. The averments in para-8 of the management's written statement about the notices issued to the workman for correcting the date of birth, in the year 1965, the sponsoring union has replied in the rejoinder that no such notice was received by the workman and he had made no application for correction of age. About the averment in para-10 of the management's written statement, the sponsoring union in rejoinder has admitted that the workman did not file any application for correction of age in response to the circulars issued in the years 1977 and 1981, because he had no knowledge about the incorrectness of his age as mentioned in Form B Register.

14. The point for consideration in this reference is as to whether or not the workman be held entitled to work beyond 25-9-1989 for one year more, on the basis of the date of birth mentioned in his School Leaving Certificate.

15. Ext. W-12 is the copy of the letter through which the sponsoring union had raised this dispute before the ALC(C), Dhanbad in which also the sponsoring union had depended upon the School Leaving Certificate aforesaid. It has been mentioned that from the certificate it appeared that the workman had one year more left in his service. Ext. W-13 is the reply of the management dated 5-6-89 stating therein that the workman had already superannuated, and disputed the claim of the workman.

16. Therefore, it will appear that the claim of the sponsoring union is not exactly for treating the date of retirement of the concerned workman to be 25-9-89 on the basis of the date of birth mentioned in the identity card of the workman. It appears that the dispute was raised for continuance of the services of the workman beyond 25-9-1989, obviously for one year more, on the basis of the school leaving certificate.

17. The management, in support of its case has depended largely on the document whereas the workman has examined one witness Satyanarain Singh, who was the Headmaster of Nabinagar High School since the year 1984, but had retired before his evidence. The workman had submitted in the Tribunal the photo copy of the original school leaving certificate which this witness said was leaving the signature of his predecessor-in-office, Pandit Narnin Singh. But he could not say as to who had filled up the body of that certificate. This signature portion was marked for identification since what the workman had filed was just a photo copy of the original. It is not known as to why the workman could not file the original certificate. The original document must either have been in possession of the workman or in the possession of the management if the workman had filed the same there. In that case the workman could have called for the original which he does not appear to have been done.

WW-1 has denied the suggestion that the document was a manufactured one.

18. This is all the evidence that the sponsoring union has produced claiming service for one year more, but even the original certificate has not been filed.

19. Now I will discuss the documents filed on behalf of the management. Ext. M-1 is the retirement notice issued to the workman which is dated 7/11-7-88 in which the workman was informed that he would superannuate with effect from 25-5-89, on attaining the age of 60 years. Ext. M-2 is the application of the workman dated 19-9-88 mentioning therein the difference of four months in between the records and the identity card. A prayer was made to retire him on 25-9-89 on the basis of the identity card. Ext. M-3 is the reply of the management dated 10-11-88 informing the workman about the typographical mistake, as mentioned above, in recording the date of birth in the identity card.

20. Ext. M-4 is another application of the workman dated 18-3-1989 stating therein that he was due to superannuate on 25-5-89 but in view of his satisfactory performance, he was interested to serve for one year more beyond 60 years of age. He prayed for extension of service for one year more. Ext. M-5 is the letter of the management advising him to report to the Medical Board on 19th April, 1989 for assessing his fitness for extension of one year more.

21. From these documents, particularly from Ext. M-4, it is absolutely clear that on 18th March, 1989 (dated of Ext. M-4) the workman had accepted his date of superannuation to be 25th May, 1989 and had merely prayed for extension of service for one year more. This shows, that whatever objections he made was made after 18th March, 1989, or say, after 19th April 1989 when he was to appeal before the Medical Board. This further shows that he had no objection to his retirement even on 25th May, 1989 just one or two months before he was made to retire on the basis of the entry in the official records.

22. It is also admitted in the written statement of the workman that when the matter was raised by the union before the management, and the management did not show any inclination, then the workman thought it fit to obtain School leaving certificate.

23. Coming to other exhibits, Ext. M-6 is the copy of a notice issued to the workman dated 18th March, 1966 intimating him that as per service card and C.M.P.F. records his date of birth was 25th May, 1929 and, in case the workman did not accept his date of birth, he could submit documentary evidence in support of his claim within 3 months. Ext. M-7/1 is a notice dated 12th/23rd April, 1977 to all the workmen, providing them one more chance to have their date of birth corrected. Ext. M-7 is another similar circular dated 7th July, 1980. Ext. M-7 also contained one proforma of application for correction of the date of birth.

24. Pausing here it may be recalled that the sponsoring union has claimed in its pleadings in the rejoinder that the workman could not avail of these two opportunities for filing an application to correct his date of birth since he was not aware about the date of birth as mentioned in the record of the management. But this plea will not be available to the workman because the reference is not for continuance of the workman in service upto 25th September, 1989, but his continuance beyond that period presumably on the basis of the alleged School leaving certificate. If the correction of date of birth related only upto 25th September, 1929, then this argument would have been available to the workman, whether worth acceptance or not, but when claim has been made for service for one year more beyond 25th September, 1989, then the workman should have utilised either of the opportunities presented to him through Ext. M-7 or Ext. M-7/1. It was at that time that he should have procured his School Leaving Certificate. Not having done so the workman can hardly be allowed to raise objection about his date of birth just a month or two before his superannuation in accordance with the service records. Such uncertainties about the date of retirement of a workman cannot be allowed to creep in in any establishment, be it industrial or otherwise.

25. Their Lordships of the Hon'ble Supreme Court in a decision reported in 1993 (67) FLR 978 (Between the Secretary and Commissioner, Home Department and others and



R. Kiribakaran and others) have considered this point. In that case a public servant had raised question of the correction of date of birth only about a year before the date of his superannuation. Their Lordships had been pleased to deprecate the growing tendencies amongst the employees to approach the Court or Tribunal on the eve of their retirement, questioning the correctness of the entries in respect of their date of birth in the service book. In that case their Lordships had also observed that the Court or Tribunal should be fully satisfied that there had been real injustice to the person concerned and that his claim for correction of date of birth had been made in accordance with the procedure prescribed and within the time fixed by any rule or order. It was also observed that if no rule or order had been framed or made, prescribing the period within which such application has to be filed, then such application must be filed within the time which can be held reasonable.

26. Making such a claim just a month or two before the superannuation can hardly be said to have been made within a reasonable period of superannuation. This I am saying with reference to the claim of the sponsoring union that the workman should have been continued in service beyond 25th September, 1989. However, such periods were prescribed in Ext. M-7 and M-7/1, which the concerned workman did not avail. The notice in Ext. M-7 also made it clear that the chance in the year 1980 was given on the request of the union and that the union had agreed that they would not ask for any further chance in that regard in future.

27. Moreover, through Ext. M-6 dated 18th March, 1986 the workman was issued notice clearly mentioning 25th May, 1929 to be his date of birth as recorded in his service card as well in C.M.P.F. record. Through that letter the workman was given a chance to get his date of birth corrected.

28. Ext. M-8 is the photo copy of the entry in Form B Register in which his date of birth was shown to be 25th May, 1929. Ext. M-9 is the photo copy of the service card, carrying similar entry. It also appears that Ext. M-8 has been duplicated in Ext. M-11. It also appears that the management had filed a carbon copy of the report of the Medical Board dated 3rd May, 1989 when the workman was found unfit for extension of service. But it does not appear that this has been marked as exhibit though all other documents of the management have been marked exhibit waiving formal proof.

29. Therefore, the fact that comes out is that virtually in the last hour of his service the workman had presented a School leaving certificate. In the evidence the sponsoring union did not bring on the record the original one, nor pressed before me to direct the management to produce the original in case the sponsoring union claimed that the aforesaid certificate in original had remained with the management.

30. Obviously upto the year 1980 the concerned workman was given three opportunities to get his date of birth corrected if he objected to that, but the workman did not avail of any opportunity to claim that his actual date of birth was 25th September, 1930. There is nothing on the record to show that the workman was not living. But, strangely, the workman was not even examined as a witness.

31. For these reasons it is not possible for me to hold in favour of the workman that his date of birth should be accepted to the 25th September, 1930, or that the workman had produced before the Tribunal any unimpeachable evidence in support of his contention.

32. If the workman could have proved that his due date of retirement was 25th September, 1990, then it would have followed as its natural consequence that the workman was entitled to work also from 25th May, 1989 to 24th September, 1989. But since I am to answer the reference, as it stands, in the negative then the next question would be as to whether or not this Tribunal can look to the original demand of the workman that the date of birth as mentioned in the identity card should have been adhered to. I do not think I can do that because once having come to the conclusion that the management was not obliged to continue

the workman in service beyond 25-9-89, the reference stood answered and when the reference stood answered, then considering any other question would go beyond the terms of reference. However, it may be said in this regard that, obviously, according to the service record including entry in Form V Register, the date of birth was mentioned to be 25-5-29. The date of birth in the identity card cannot be taken to be evidence of age superseding the statutory service records such as Form B Register or the entries made in C.M.P.F. Register. Identity card serves only one purpose which is to identify a particular employee. The date of birth is only mentioned therein for the purpose of identification of age of the identity card holder at any given time. Therefore, I do not think that any benefit can be given to the workman on the basis of such entry made in the identity card.

33. Shri J.P. Singh, the learned counsel appearing for the sponsoring union has submitted that the concerned workman had faithfully served the company for almost forty years and had he completed 40 years of service, he would have been entitled to have his two dependants inducted into the service of the company. His one son is in the service of the company since long. He submitted that keeping in view of his faithful service, and in view of that fact that he was not even given extension of one year the company may consider giving employment to his second unemployed son. Shri B. Joshi, learned counsel for the management submitted that it was altogether a different matter, though it was a fact that the workman was a loyal worker and had he filed any such application before the management the management could have considered the prayer. He made it clear that he could say any thing about the decision of the management. However, in view of the fact that this workman had faithfully served the company for almost four decades, I hope that if any such application is filed the management will consider that sympathetically. But this Tribunal cannot give any direct to the management in this regard nor this can be, for obvious reason, made a part of the Award. Since in my opinion the award is to be in favour of the management, there appears to be no question of directing the management for payment of arrears of any wages and any other allied benefit, to the workman.

34. But so far the reference is concerned, in my opinion this has to be answered in favour of the management for the reasons stated before hand.

Following, therefore, is the Award:-

"The action of the management of West Bokaro Colliery of TISCO. Ltd., P.O. Ghatastand Dist. Hazaribagh in not reinstating service of Sri Pir Mohammed w.e.f. 25-9-89 and onwards and not making payment of arrears of wages and other allied benefits payable to him was justified the workman is entitled to no relief."

P. K. Sinha Presiding Officer

नई दिल्ली, 28 अक्टूबर, 1994

का.आ. 3334—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार सेंट्रल बैंक आफ इंडिया के प्रवर्तन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम

2, बम्बई, के पंचपट को प्रकाशित करते हैं, जो केन्द्रीय सरकार को 27-10-94 को प्राप्त हुआ था।

[संख्याएल-12012/184/86/डी 2ए/आई आर (बी 2)]  
वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 28th October, 1994

S.O. 3334.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 27-10-1994.

[No. L-12012/184/86-DILA/IR(B.II)]  
V. K. SHARMA, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

#### PRESENT :

Shri S. B. Panse, Presiding Officer,

Reference No. CGIT-2/3 of 1987

Employers in relation to the Management of Central Bank of India.

#### AND

Their Workmen.

#### APPEARANCES :

For the Employers : Shri S. H. Chaudhary, Representative.

For the Workmen : Shri S. T. Sahasrabudhe, Representative.

Bombay, dated 7th October, 1994

#### AWARD PART-I

The Workman Shri Sahebrao Bhaduji Shende came to be appointed in the services of the Central Bank of India as a part time sub-staff in June 1978. He joined the duty at Maregaon Branch. Mr. P. D. Hemnani was the Branch Manager there. It so happened that the workman filed a criminal case against the Branch Manager in the Court of the Judicial Magistrate 1st Class and thereafter an industrial dispute was raised with the Assistant Labour Commissioner (Central) Chandrapur. Due to the intervention of the Assistant Labour Commissioner, he was reinstated in services.

2. It was not in dispute that thereafter on 26-3-1984, a charge-sheet was issued against the worker that he had committed 7 acts. One Mr. Pendke conducted the departmental enquiry. After completion of the departmental enquiry, a show cause notice was given to him that why his services should not be terminated. Ultimately, the Regional Manager terminated his service. Being aggrieved by this act, the worker raised an industrial dispute, which came to this Tribunal for adjudication which was sent by the Central Government by its letter No. L-12012/184/86-D.II(A), dated January 1987. It is in the following terms:

"Whether the action of the management of Central Bank of India through its Regional Manager, Nagpur Region (MS) is justified in dismissing Shri Sahebrao Bhaduji Shende, Part time Safaiwala w.e.f. 29-9-85? If not, to what relief the workman concerned is entitled?"

These facts can be said to be undisputed.

3. Shri Sahebrao, the workman contended that as he was re-instated the Branch Manager Mr. Hemnani was aggrieved. He thereafter started issuing memos and finding faults unnecessarily with his work. Ultimately, a departmental enquiry

was started at his instance. He was not given the opportunity to give his say in respect of the charges levelled against him. He pleaded that he was not allowed to be represented by a Union representative or an Advocate. He asserted that he was not given the opportunity to lead evidence nor cross-examine the witness. He proceeds to state that the enquiry which took place was behind his back and the conclusions which were drawn are perverse.

4. The workman contended that after receiving a show cause notice, he was not given a personal hearing while awarding the final punishment. He pleaded that the order of his dismissal was passed by the Authority who is incompetent to do so. In other words, he admits that the domestic enquiry that was held against him was against the principles of natural justice. It is therefore said to be bad in law. He further submitted that even if it is held that the enquiry was proper, the punishment which is granted to him is disproportionate to the charges levelled and held to be proved. Hence he submitted that he should be re-instated with continuity in service with full back wages and other reliefs.

5. The management, i.e. the Central Bank of India by its written statement (Exh. 4) denied all the allegations of the workman. According to it the procedure in respect of the domestic enquiry was carried out as per the principles of natural justice and the rules laid down in the Bipartite settlement. It is denied that no opportunity was given to the workman at the time of the domestic enquiry. It is asserted that the punishment which is awarded to the worker is perfectly legal and proper.

6. My Predecessor framed issues at Ex. 6. So far as issue No. 1 is concerned, I intend to dispute of issue No. 1 as the preliminary issue as it is concerned with the departmental enquiry. The issue and my finding thereon is as follows.

#### ISSUE

#### FINDING

- |  |                    |
|--|--------------------|
| 1. Whether the workman proves that the enquiry held against him, was not held properly, that he was not allowed to be defended properly, and the rules of natural justice were not followed? | In the affirmative |
|--|--------------------|

#### REASONS

7. It can be seen that in the written statement (Exh. 4) the management had contended that if the Tribunal comes to the conclusion that the domestic enquiry is not proper, then an opportunity may be given to him to lead evidence. For the reasons given below I am of the opinion that the domestic enquiry which was held against the workman is not as per the principles of natural justice. The issue is tried as a preliminary issue.

8. The worker was served with the charge-sheet (Annexure R1) dated 16-3-1985. It appears that, he received the charge-sheet on 29-3-1984. It is not in dispute that the worker had not given any reason to it. It is tried to argue on behalf of the management that he had sufficient opportunity to file his say in respect of the charge-sheet and as he did not do so, it means he accepts the same. I am not inclined to accept this. It is pertinent to note that in the last paragraph of the said charge-sheet, there is a reference as to what the workman should do. It states that one Shri Pendke is appointed as the Enquiry Officer, that the workman is permitted to defend through the representative of the union, that he is allowed to lead evidence, and that he is allowed to cross-examine the witness of the management and that he should be given the list of the documents and the witnesses on which he wants to rely. It is pertinent to note that it is not mentioned that he should file his say in respect of the charges levelled against him. It is not expected that a worker like Shri Sahebrao will on his own accord file say to these charges. It is tried to argue that he was in a habit of filing the replies and making allegations in writing. He should have filed a say to these charges. This argument has no merit. I do not accept it.

9. The Disciplinary Authority, by its letter (Annexure R2) dated 30-4-1985 informed the workman that Mr. Pendke is appointed as the Enquiry Officer. The Enquiry Officer, thereafter by his letter dated May 18, 1984 (Annexure R3) Inform-

ed the worker that the departmental enquiry against him is fixed on 5th June, 1984 at 11.00 a.m. He was directed to remain present on that day, place and time along with his representative or if any, witness and evidence that he may wish to place before the Enquiry Officer. It can be seen that before the enquiry was to be conducted the workman is to be supplied with the list of witnesses and the necessary documents, on which the management wants to rely. It appears that by this letter atleast, at that time, the workman was not provided with the list of witnesses and the documents. It can be further seen that in the charge-sheet (Annexure R1) there is nowhere mentioned that who are the prosecution witnesses. I am aware that there is no need to name all the witnesses, but in this charge-sheet atleast there should have been another note which can be said to be the memorandum of allegations covering with the list of witnesses and the documents on which the Prosecution wants to rely. I do not find the same on the record. That has prejudiced the interest of the workman resulting in the fairness of the enquiry.

10. On 5-6-1984, when an enquiry was there, the workman was absent. It is not in dispute that the enquiry officer in his prudence adjourned the enquiry on the next date i.e. 17-7-1984. It can be further seen that admittedly the worker on that date gave an application to the Office, informing that he received the charge-sheet and does not admit the allegations. He further mentioned therein that he wants to file a say in the matter and therefore he should be provided with certain documents (seven in numbers). He had also asked the concerned Officer to send the original documents to the Enquiry Officer at the time of the enquiry. A copy of this letter was sent to the Enquiry Officer. It is pertinent to note that the worker did not receive all the necessary documents before the enquiry was conducted.

11. Shri Pratap Dayaram Hemnani (Exh. 16) the then Branch Manager and Shri Prakash S. Uppanar (Exh. 17) the Branch Manager who succeeded Mr. Hemanani affirmed that the procedure adopted at the time of the Enquiry was just and proper. It is affirmed that on the same time, it appears to me that when he sought for adjournment, it was not granted to him. It is tried to argue that there are two versions of Shri Sahebrao for not availing the Union representative to defend his case. One is that he could not pay his fees and the second one is that he was busy somewhere. On the basis of these versions it is tried to argue on behalf of the management that he is not speaking the truth. No doubt, there are contradictions, but that does not mean that he is speaking lies. The fact remains that even though the second sitting of the enquiry proceeded with, the matter. It is not that the enquiry was adjourned for many occasions due to the negligence of the worker. In that case, the conduct of the Enquiry Officer would have been accepted. In the normal course, what is seen is that the worker would have been asked to pay the cost of these witnesses and the proceedings of the enquiry and would have adjourned the matter. But he had not done so. I therefore find that the principles of natural justice were not followed at the time of holding the enquiry.

12. From the written statement and from the evidences on the record, it is very clear that at the time of the enquiry, certain documents were produced. Infact, it is well settled law that if the management wants to rely on certain documents which should have been already given to the worker in advance. Here in this case, it is not done so. The documents which were asked from the management were also not given. All these things have resulted in the miscarriage of justice and the departmental enquiry.

13. The show cause notice dated 3rd June, 1985 was addressed to the worker by the Disciplinary Authority informing him that why the punishment of dismissal without any notice should be given to him. This letter was received by the worker, but from the perusal of this letter, there is no endorsement that the Annexure namely the report of the Enquiry Officer was sent to him. i.e. the lacunna that results in to not following the principles of natural justice at the time of the domestic enquiry because, when he was to give his say as asked by this notice within 15 days, he must have something before him on which the Disciplinary Authority wants to rely. In that show cause notice, it is mentioned that if no reply is sent then it will be presumed that he accepts the punishment and the final orders will be passed. It

appears that because of that the worker had filed his say to it and again denied everything which is held to be proved against him. It is not in dispute that a personal hearing was not given to him. Infact, it should have been given, that also effects the enquiry.

14. The Learned representative vehemently argued that the Disciplinary Authority who has passed the final order of punishment was the Divisional Manager, Nagpur. So far as the order of dismissal is concerned, it was passed by the Divisional Manager Shilinguri District Darjeeling. To substantiate this he placed reliance on 19.14 paragraph of the Bipartite Settlement. According to him, the charges concerned the disciplinary authority shall be nominated by the designation and not by name. To counter this argument, the representative of the management place reliance on the circular circulated by the management on January 3, 1984. On the basis of this circular, it is tried to submit that the disciplinary authority has only to consider the findings of the Enquiry Officer who arrived at the decision and passed the final order. It is also mentioned that in cases where the findings of the Enquiry Officer have already been submitted to the Disciplinary Authority, there is no need to change the Disciplinary Authority. Here in this particular case, even though the Disciplinary Authority was present from the Nagpur region, the report was already submitted to him and therefore it was not necessary to change the Disciplinary Authority. I find substance in it. I do not find any irregularity in the same. For all these reasons, I record my finding on the point accordingly and come to the conclusion that the workman had proved that the enquiry held against him was not held properly, that he was not allowed to be defended properly and the rules of natural justice were not followed.

S. B. PANSE, Presiding Officer

नई दिल्ली, 28 अक्टूबर, 1994

का.भा. 3335.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 2 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-10-94 को प्राप्त हुआ था।

[संख्या एल-12012/46/92-आईआर (बी-2)]

वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 28th October, 1994

S.O. 3335.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 2 Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 27-10-94.

[No. L-12012/46/92-IR(B-II)]

V. K. SHARMA, Desk Officer  
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 2, BOMBAY

PRESENT:

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/43 of 1992

Employers in relation of the Management of Bank of  
Maharashtra

AND

Their Workmen

# APPEARANCES:

For the Employers—1. Mr. R. M. Samudra  
2. Mr. R. G. Londhe Representatives

For the Workmen—Mr. V. D. Karmarkar Representative  
Bombay, dated 11th October, 1994

## AWARD

Miss. Auradkar was working as a Clerk at Latur MIDC Branch of the Bank of Maharashtra during the year 1987. The weekly off for that Branch was Thursday.

2. As per the usual practice, Ms. Auradkar was to be sent for a training programme at Aurangabad from 2-3-87 to 12-3-1987. She was relieved on 28-2-1987 (Saturday) after the office hours under instructions to report to the Training Centre at Aurangabad. On Sunday i.e. 1-3-1987, she under took journey from Latur to Aurangabad and reported the training centre on 2-3-1987 (Monday). In the training centre Sunday is the weekly off. On 8-3-1987, it was a Sunday. After the office hours, on 12-3-87, she was relieved to report to MIDC Latur Branch. She under took the journey on 13-3-87 (Friday) and reported the MIDC Latur Branch on 14-3-1987 (Saturday) and she went on working till 19-3-1987 (Thursday) and she could avail her weekly off on that day. These can be said to be admitted facts.

3. M/s. Auradkar's union made a claim that her weekly Off on 5-3-1987 was compensated on 8-3-1987. On 12-3-1987, she had to attend the training centre and which was her weekly off of the Latur MIDC Branch and she could not avail the weekly off in that week. That would be treated as compensated against the work on 12-3-1987. Therefore, on the strength of the para 1(1) of the Bipartite Settlement, she is entitled for the payment of over time on that day i.e. 12-3-1987. They claimed that amount from the Bank, but the management refused to pay the same. A dispute was raised before the Labour Commissioner and who in turn sent a failure report to the Government of India.

4. The Government of India, Ministry of labour, New Delhi thereafter by its letter No. 12012/46/92—IR B-2 dated 6-7-92 referred to the following industrial dispute under section 10(1)(D) to this Tribunal for adjudication. It is in the following terms :

"Whether the action of the management of Bank of Maharashtra in relation to its Latur MIDC Branch in disallowing compensatory Off/pay overtime allowance to Miss Auradkar in lieu of one day weekly rest alleged foregone during her training at Aurangabad between 2-3-87 and 12-3-87, is justified? If not, what relief is the workman entitled to?"

5. The management disputed the claim, contending that there is no substance in the claim. As per the Bank's rules, no compensatory off is available for working on the day of weekly off. It is further submitted that she availed the weekly off as per her temporary placement at Aurangabad for the Training and as such there is no day of weekly rest that has been foregone by the management in the instant case. It is further pleaded that there is no justification in the claim. It deserves to be rejected.

6. The issues that fall for my consideration and my finding thereon are as under:

## ISSUES

1. Whether the action of the

## FINDINGS

In the affirmative

management of Bank of Maharashtra in relation to its Latur MIDC Branch in disallowing Compensatory off/pay overtime allowance to Miss Auradkar in lieu of one day weekly rest alleged foregone during her training at Aurangabad between 2-3-87 and 12-3-87 is justified?

2. If not, what relief is the

Does not survive.

workman entitled to?"

## REASONS

7. Both the parties have filed purshis at (Exh. 7) and they do not want to lead any oral evidence.

8. The union filed its written arguments at Exh. 8. As against that, Mr. Samudra on behalf of the management argued the matter. The workmen's argument is based on the claim of the T.A. Bill which is produced on the record.

9. Ms Auradkar was sent to the training centre at Aurangabad for attending the training during the period from 2-3-87 to 12-3-87. Naturally the rules and regulations which are applicable to the training centre should apply to the persons who attend the training. At the training centre, Sunday was the weekly off and she could avail hat. It is tried to argue, that by going there for training, she missed her weekly off and therefore she is entitled to be compensated for that. This argument is without any basis. It has no legal reasons. It is for that, when she was in the training centre, she was not given the weekly off and as such she is entitled to compensation.

10. It is tried to argue that in view of the clause XI(1) of the Bipartite settlement dated 17-9-84 she is entitled for the compensation. The para reads as under :—

"For the work done on Sundays or any other weekly off day and Holidays to which he may be entitled, a workman (including a peon who is asked to work as watchman on such day) will be paid for the entire period of work at 200% of his hourly employments, unless any such day happens to be a working day for him".

11. It is rightly argued on behalf of the management that it is not applicable at all. Furthermore, if it applies, it applies only when the work is done on Sunday or any other weekly off day. As the workman concerned did not work on any weekly off day, she cannot to be said to be entitled to overtime allowance in lieu of one day's weekly off/rest.

12. It is tried to argue on the basis of the T.A. bills that she travelled on the 1st March and 13th March and which is just and proper. So far as these joining dates are concerned, the management had not disputed the same. So far as the claim of overtime is concerned for 12-3-87, it is without any merit, and there is no justification in the same. In the result, I record my findings on the points accordingly and pass the following order:

## ORDER

1. The action of the management of Bank of Maharashtra in relation to its Latur MIDC Branch in disallowing compensatory off/pay overtime allowance to Miss Auradkar in lieu of one day weekly rest allegedly foregone during her training at Aurangabad between 2-3-87 and 12-3-87 is justified.

2. No order as to costs.

S. B. PANSE, Presiding Officer

नई दिल्ली, 28 अक्टूबर, 1994

का.आ. 3336—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ महाराष्ट्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 2 बम्बई

के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-10-94 को प्राप्त हुआ था।

[संख्या एल-12012/362/90 आई आर (बी-2)]

वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 28th October, 1994

S.O. 3335.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 27th October, 1994.

[No. L-12012/362/90-IR(B-II)]

V. K. SHARMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL NO. 2, BOMBAY

PRESENT:

Shri S. B. PANSE, Presiding Officer.

Reference No. CGIT-2/10 of 1991

Employers in relation to the management of Bank of Maharashtra.

#### AND

Their workmen.

APPEARANCES:

For the Employers—1. Mr. R. M. Samudra, 2. Mr. Mohan Vojhala, Representatives.

For the Workmen—Mr. R. Vishwanathan, Representative  
Bombay, the 12th October, 1994.

#### AWARD

The Government of India, Ministry of Labour, New Delhi by its letter No. 12012/362/90-I.R. B-2 dated 14th February, 1991 referred the following industrial dispute for adjudication. It is in the following terms:

“Whether Shri S. S. Kulkarni, Clerk, Sindewahi Branch of Bank of Maharashtra is entitled for priority over Shri S. V. Sudame in the matter of request transfer to the Mahuli Chor Branch of the Bank? If so what relief Shri Kulkarni is entitled to?”

2. Shri S. S. Kulkarni, the workman at Sindewahi Branch joined in the Bank as a clerk on 9th February, 1984. Shri S. V. Sudame who is working as a clerk joined the Bank on 30th January, 1985. Shri Kulkarni gave an application for request transfer to Mahuli Chor Branch. So also did Shri Sudame. Instead of Shri Kulkarni, Shri Sudame was posted there.

3. It is also not in dispute that a memorandum of settlement as per the provisions of the Industrial Disputes Act in respect of the request transfer policy was arrived at. In the Bank of Maharashtra, allotment of post carrying special allowance are given on the basis of the Branch seniority, at a place having a single branch. The Mahuli Chor Branch as such is such a branch where according to the special allowance policy, the post of Cashier incharge can be allowed only on the basis of Branch seniority.

4. Shri Kulkarni, the workman contended that he being the seniormost, he should be given priority over Shri Sudame and should have been transferred to the Mahuli Chor Branch. As

he is not transferred, the management had violated the settlement and he lost the special allowance, which he would have received. Under such circumstance, it is submitted that he may be posted there and he may be given the special allowance which Shri Sudame gets with other reliefs.

5. The management opposed the claim, contending that when the application of Shri Kulkarni was received in the office for the request transfer, the proposed transfer plan was already finalised on 12th January, 1989. The Application of Shri Sudame was received earlier than that of Shri Kulkarni and therefore it was considered. It is also submitted that the settlement dated 31st October, 1983 in respect of the transfers does not specify the seniority as the only criteria for eligibility of request transfer and the eligibility is not shown in respect of Shri Kulkarni by the Bank. It is pleaded that the circumstances under which the order of Shri Sudame was issued was taken into consideration. It can be seen that the Bank had no mala fied intention. It is averred that now Shri Kulkarni is transferred to Mahuli Chor Branch and the basic demand of the union has been duly fulfilled. It is therefore submitted that the reference may be dismissed and the other prayers prayed by the workman need not be considered and may be disposed of.

6. The workman had filed his rejoinder at Exh. 4 and denied the submissions made by the management. It is asserted that Shri Sudame is getting Rs. 189 as a special allowance for holding the post of Cashier incharge in that Branch, which should have been given to him, being the senior man there. He is put to financial loss and he is entitled to the same.

7. My Learned predecessor framed issues at Exh. 5. The issues and my findings thereon are as follows:

#### ISSUES

#### FINDINGS

- |  |                        |
|--|------------------------|
| 1. Whether the management of Bank of Maharashtra has committed a breach of the provisions contained in clause 3 of the Agreement dated 31-10-1983?   | In the affirmative     |
| 2. Whether Shri S. S. Kulkarni Clerk, Sindewahi Branch of Bank of Maharashtra is entitled for priority over Shri S. V. Sudame in the matter of request transfer to the Mahuli Chor branch of the Bank? | In the affirmative     |
| 3. If so, what relief Shri Kulkarni is entitled to?  | As per the final order |
| 4. What Award?   | As per order           |

#### REASONS

8. Admittedly, now Mr. Kulkarni is posted as per his demand, at Mahuli Chor branch.

9. It is not in dispute that Shri Kulkarni is the senior than Shri Sudame. The modalities and the formalities for considering the request transfer of each staff in the Bank of Maharashtra are well settled and are governed as per the agreement stated at Exh. 6. After going through these rules, I have no hesitation to come to the conclusion that the management has floated the rule 3, which deals with the procedure for request transfer. It states as under:

(i) The request transfers will be considered by the staff division C.C. Pune, on the basis of seniority. The applications in the prescribed form and those within the norms when received will be entered in to a register and the other applications not fulfilling the norms will be returned to the applicants.

(ii) The request transfer applications in prescribed form must be routed through the Branch/Office where the employee is working. The Branch/Office will keep the record of such applications and inform the applicant about the forwarding of such applications to Divisional Manager, Staff & IR Central Office, directly.

(iii) Before posting of 3SRB candidates pending request transfers to the extent of 80 per cent of actual vacancies would be taken into consideration."

10. It is contended in the written statement that when the application of Shri Kulkarni was received, the transfer plan was finalised and that was on 12th January, 1989. Shri Sudame made the application on 10th May, 1988. As against this, Shri Kulkarni made an application on 15th March, 1989. It is pertinent to note that the transfer order was issued on 29th May, 1989. It means, after more than two months of the receipt of Shri Kulkarni's application. That itself goes to show that the management had sufficient time to change the memo. It was not that, the memo was published. I therefore, do not find any substance in that argument.

11. Rule 3 clearly provides a senior man, to be considered first at the time of request transfers. At this juncture, I may mention it here that in the written arguments the management had tried to take advantage of clause 7 of the transfer modality but, in the written statement there is no mention that the transfer of Shri Sudame was on compassionate grounds. As this is so, Shri Kulkarni, could not affirm anything in respect of the same in his affidavit at Exh. 25. The management had not lead any oral evidence in the matter. Even if, on perusal of the application, which was given by Shri Sudame, for his transfer (Exh. 21) I am not inclined to accept that it falls in clause 7 of the terms of settlement of transfer. There is no medical certificate produced on the record in support of this application. Furthermore, the grounds mentioned in this clause does not appear to be in the application. In such circumstance, transfer of Shri Sudame instead of Shri Kulkarni is violation of Rule 3.

12. It is tried to bring in the cross-examination of Shri Kulkarni that his application was not in a proper form, i.e. Form "B". But the clause provides that if there is any irregularity in the form, it has to be sent back to the concerned workman. The management had not done so in this matter, it means that the management has accepted the same to be correct one and in the result there is no substance so far as the irregularity in the form is concerned.

13. On the basis of the transfer order, it appears that Shri Sudame had taken over there and thereafter he started getting the special allowance for holding the post of Cashier incharge. This post would have been held by Shri Kulkarni. As that is so, Shri Kulkarni is entitled for that benefit, unless otherwise, he is not held to be eligible. Nothing is brought on the record to show that Shri Kulkarni is not eligible to hold the said post. Under such circumstance, he is entitled to the benefits which Shri Sudame is getting. In fact, as Mr. Kulkarni is now transferred to Mahuli Chor branch, the relief which he asked for is not necessary to be given. But so far as the other reliefs are concerned, he is entitled for the same. For all these reasons, I record my findings on the points accordingly, and pass the following order:

#### ORDER

1. Mr. S. S. Kulkarni, clerk, Sindewahi branch of Bank of Maharashtra is entitled for priority over Shri S. V. Sudame in the matter of request transfer to the Mahuli Chor branch of the Bank.
2. Mr. S. S. Kulkarni is entitled to get the special allowance for holding the post of Cashier incharge of that branch, since the day Shri S. V. Sudame is holding the same.
3. The management is also directed to pay 12 per cent interest p.a. on the said amount from today till its payment to Shri S. S. Kulkarni.

S. B. PANSE, Presiding Officer

नई दिल्ली, 31 अक्टूबर, 1994

का.आ. 3337-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संरक्षित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, वम्बई के पंचद को प्रकाशित करता है, जो केन्द्रीय सरकार को 31-10-94 को प्राप्त हुआ था।

[फ़ाइल नं.-12012/888/88-डी 2(ए) आईआर (बी-2)]

वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 31st October, 1994.

S.O. 3337.—In pursuance of Section 17 of the Industrial disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 31-10-1994.

[No. L-12012/888/88-D-II (A)/IR (B-II)]

V. K. SHARMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/13 of 1989

Employers in relation to the Management of Bank of India.

AND

Their Workmen

APPEARANCES :

For the Employers.—Mr. V. V. Joshi Representative.  
For the Workmen.—M. M. D. Shringarapure Rere-sentative.

Bombay, dated 4th October, 1994

#### AWARD PART-I

The Government of India, Ministry of Labour, New Delhi by its letter No. L-12012/888/88-D-II(A) dated 5th May, 1989 referred to the following industrial dispute for adjudication to this Tribunal under section 10(1)(D) of the Industrial Disputes Act. It is in the following terms :

"Whether the action of the management of Bank of India in dismissing from service Shri D. M. Uttekar is justified? If not, to what relief the workman is entitled?"

2. Shri D. M. Uttekar was appointed in the Bank of India as Security Personnel on 24-4-1972. His work was not satisfactory.

3. It is contended that after the joining of service, he became a member of the Bank of India Staff Union.

3. The worker Uttekar contended that he was wrongfully terminated from the services of the Bank under the colourable exercise of power by making a false of departmental enquiry against them.

4. Shri Uttekar contended that before joining the Bank, he was in Army and his service career was unblemished. The Bank i.e. the management with a mala fied intention

issued a charge sheet against him on 21-7-1986. He was not given a proper opportunity to defend and the witnesses brought were tutored witnesses. It is asserted that the enquiry was injudicious, unjust and impower. In the result, it is against the principles of natural justice.

4. The worker contended that he was given threats and an undue influence was used against him to admit the guilty. He was assured that he will not be awarded with a serious punishment. It is averred that the punishment which is awarded to him is disproportionate to the charge proved. He therefore prayed that the enquiry which is held against him may be declared as Null and void, and that he may be re-instated in the services with full back wages and continuity in service along with the other reliefs.

5. The management opposed the application by the written statement at Exh. W/8. It is averred that the past record of the worker was not satisfactory. He was awarded with the punishment on several occasions. His increments were stopped on earlier occasions.

6. On 21-7-1986, the worker was charged with allegation that he accepted a gratification of Rs. 300 from several persons with the assurance that they will be given employment. Thereafter, Shri B. V. Pradhan was appointed as the Enquiry Officer. He carried out the domestic enquiry by giving full opportunity to the worker for cross-examination, for leading evidence and with proper representation. But the worker did not avail the proper opportunity. An interpreter was appointed with a view that the worker should understand the proceedings of the enquiry. It is averred that there was no undue influence so far as by which the worker was asked to admit the guilt. Infact, Mr. Uttekar clearly and ambiguously admitted the charges levelled against him. His defence was not acceptable. It is submitted that the punishment which is awarded to the worker is perfectly legal and proper. It is prayed that the reference deserves to be dismissed.

7. My Learned Predecessor framed issues at Exh. 6. I intend to dispose of issues 1 and 2 as the preliminary issues. The issues and my findings thereon are as follows :—

#### ISSUES

#### FINDINGS

1. Whether the departmental inquiry held against the workman Shri D. M. Uttekar was not held as per the true and real principles of natural justice, but that it was only a mockery of the principles of natural justice ? In the negative.
2. Whether the confession from the said workman in that enquiry was obtained by coercion/inducement ? In the negative.

#### REASONS

8. The workman has filed his affidavit at Exh. W/10 and affirmed all the contentions by him in the statement of claim. As against that Shri B. S. Pradhan who was the Deputy Chief Manager and who conducted the enquiry had filed his affidavit at Exh. M/13 ascertaining that he adopted the procedures contemplated in the rules and there was no infirmity while holding the departmental enquiry, nor in the punishment.

#### PUNISHMENT

9. The Chargesheet (Annexure-I) was given to him. It is contended in that, that he accepted Rs. 300 each from Shri Ramesh Dhondur Karle, Shri Parshuram Dulaji Talwadekar and from Shri Raghunath Gaonkar. It is also mentioned in that, that by accepting the bribe with an assurance to give them a job in the Bank, his act is prejudicial to the interest of the Bank as contemplated in para 19.5(J) of the Binartite Settlement. Shri Uttekar admits that Mr. Pradhan was the Enquiry Officer. He asserts that he was present throughout the enquiry proceedings, he tried to suggest that the Enquiry Officer asked him to not to bring any representative in his case. But that

appears to be without any justification. Here, it appears from the fact of the worker that he had decided to look after the matter personally. He had not given a written application to the management that he should be given an opportunity to be represented by a Counsel or that his request for appointing a member or a representative of the Union was rejected.

10. Mr. K. B. Kudu was the Presenting Officer who brought an interpreter by whom the contents of the chargesheet were explained to the worker in Marathi. He denies to have supplied the copies in Marathi translation. He admitted that Shri Gadhi-gaonkar was examined in his presence and the Enquiry Officer asked him to put questions to him, but he declined to ask any questions to him. He further admitted that whatever was stated by the witness was true. He tried to suggest that the Enquiry Officer told him not to ask any question and to say that the enquiry was proper. So far as the witness Shri Ramesh Dhondur Karle is concerned, again he was given an opportunity and the Enquiry Officer asked him to cross-examine the witness. But again he had changed the version and said that the Enquiry Officer told him not to cross-examine the witness. It is not acceptable by any stretch of imagination that when the departmental enquiry was going on, the delinquent will be stopped for taking cross-examination. There is no evidence on the record to show it.

11. The worker admits to have signed the copy of the chargesheet which is translated in Marathi. He admits to have signed it. That clearly goes to show that the translation of the chargesheet in Marathi was received by the worker and he is not speaking the truth. So far as when Shri Gadhi-gaonkar was examined as a witness, he was again asked to cross-examine him, but he declined to do so. So far as the case of Shri Talwadekar is concerned, what is tried to bring on the record by the worker is that he took Rs. 300 from these witnesses and again returned the amount to them. As he could not repay the amount, a false allegation was made against him, but he admits that in his written argument, he had not mentioned this fact.

12. From the testimony of the Enquiry Officer, there is nothing brought on the record to show that the enquiry which was conducted by him was against the principles of natural justice. He admitted that nobody represented the workman at the time of the enquiry. But that does not mean that the enquiry was not proper. It appears that the worker in that case has chosen not to be represented by anybody else. He also admitted that whenever there was a doubt, he got it cleared from the witness. There is nothing wrong in it. It is the duty of the Enquiry Officer in the domestic enquiry to get the things cleared. From the cross-examination of the Enquiry Officer, I do not find that he acted prejudicially and that he did not follow the principles of natural justice when he held a departmental enquiry.

13. The worker had admitted the guilt. It is tried to suggest that he was given an assurance that no serious action will be taken against him and there-



fore he admitted the guilt. But there is no evidence to that effect and on the contrary at many places he admitted the guilt. Shri Pradhan in categorical term had affirmed that he ascertained from the worker whether the confession given by him is voluntary for which he answered in the affirmative. For all these reasons I find that there was no mockery of the principles of natural justice when a departmental enquiry was held against the worker Shri Uttakar. There is no evidence to show that a confession was obtained from the worker by co-ertion of undue influence.

S. B. PANSE, Presiding Officer.

नई दिल्ली, 31 अक्टूबर, 1994

का.ग्रा. 3338—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ़ बड़ोदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, प्रबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं० 2 बम्बई, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-94 को प्राप्त हुआ था।

[संख्या एल-12012/231/85 डी. 2(ए) आदेशार(बी 2)]  
बी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 31st October, 1994

S.O. 3338.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 31-10-94.

[No. L-12012/231/85-D.II(A)|IR(B.I)]  
V. K. SHARMA, Desk Officer.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

#### PRESENT :

Shri S. B. Panse.—Presiding Officer.

REFERENCE NO. CGIT-2/23 OF 1986

Employers in relation to the management of  
Bank of Baroda.

#### AND

Their Workmen.

#### APPEARANCES :

For the Employers :

1. Mr. R. B. Pitale

2. Mr. L. L. D'Souza  
Representatives.

For the Workmen :

1. Mr. R. R. Pillai

2. Mr. M. V. Mohokar  
Advocates.

Bombay, dated 30th September, 1994

#### AWARD

The Government of India, Ministry of Labour, New Delhi by its letter No. L-12012/231/85-D.II(A) dated nil has referred to the following industrial dispute for adjudication. It states :

"Whether the action of the management of Bank of Baroda, Waifad Branch, Wardha in terminating the services of Shri Mangal Laxman Bageshwar, Sub-staff with effect from 28-2-1985 and not considering him for further employment while engaging fresh hands is fair and justified? If not, to what relief is the workman entitled?"

2. The Bank of Baroda was to open a new branch at Waifad, District Wardha. The management wrote letters to the district employment exchange for the Candidates for appointment to the post of Sub-staff in its services. After the receipt of the information, two persons from the employment exchange were called for an interview and Shri Mangal Laxman Bageshwar was appointed for a tenure commencing from 9-10-1984 to 8-1-85, both days inclusive. In the appointment letter, the conditions were incorporated that his services shall automatically cease after the expiry of the stipulated period, but infact he continued to be in service and his services were terminated by the management with effect from 28-2-1985.

3. After the termination of the workman, some other persons were employed from time to time. At last one Shri Arun. K. Dhabane was appointed as the sub-staff from 5-8-85. It is averred that none of the persons appointed by the management were sponsored by the employment exchange.

4. It was contended that all the formalities of recruitment like interview etc. was completed in respect of his appointment and he was selected in the permanent vacancy on 26-11-1985. He was initially appointed on probation, but it was not informed to him. The termination of the worker is illegal, improper and against the principles of natural justice. He was never given the benefit, whatsoever including the notice pay for 14 days in lieu of the incomppliance of the conditions of the appointment. The workman contended that he is entitled to re-instatement in service with back wages and continuity of service.

5. The management opposed the claim by the written statement at Exh. 31M. It is averred that the appointment of Shri Mangal Laxman Bageshwar was purely on a temporary basis and he was inefficient. There were many complaints against him. As his tenure of appointment was over and he continued to be in service, there was no question of giving him 14 days notice. It is averred that Shri Dhabane who was appointed as a sub-staff with effect from 5-8-85 was recruited from the employment ex-



change. It is submitted that the workman has no cause to be re-employed with continuity in service with back wages.

6. The issues that follow for my consideration at Exh. 4 and my findings thereon are as follows :

## ISSUES

## FINDINGS.

- |  |                     |
|--|---------------------|
| 1. Whether the workman proves that the termination of his service by the Bank w.e.f. 28-2-1985 is improper and illegal ? | In the negative.    |
| 2. Whether he is entitled to re-instatement in service of the Bank ?   | In the negative.    |
| 3. To what other relief, if any, he is entitled ?  | Does not survive.   |
| 4. What Award ?  | As per final order. |

## REASONS

7. It is not in dispute that the new Branch was to be opened at Waifad, in the Wardha district. It is therefore the Branch Manager sent a requisition (Exh. 6|M) to the employment exchange for sending the eligible candidates for the post of sub-staff. After the receipt of the said letter, the employment exchange Officer at Wardha stationed at Wardha sent one letter (Exh. 7) along with seven candidates for the said post. Only two persons appeared for the interview on 8-9-84 and Shri Mangal Laxman Bageshwar the workman was selected. He scored 15 marks out of 40.

8. The management gave the appointment letter (Exh. 8|M) to the said worker Shri Mangal Laxman Bageshwar. He admits in his affidavit that he received the appointment letter as per the terms mentioned therein. It was on the same day. This appointment letter pertains to the period 9-10-84 to 8-1-85, both days inclusive. It is not in dispute that he continued to be in service after the said period was over up to 28-2-1985. Thereafter, he was terminated from the service.

9. From the appointment letter it is very clear that the appointment of the worker was purely on a temporary basis i.e. a temporary appointment. It is nowhere mentioned in this appointment letter that he was posted on probation for a particular period. It is also not mentioned in that letter that he was to get himself medically examined. Shri Bageshwar affirmed that he was medically examined but so far as this statement is concerned, this does not find place in the statement of claim and there is no documentary evidence to that effect. I therefore find no merit in the statement of Shri Bageshwar that he was medically examined for the said job.

10. Shri K. J. John (Exh. 18|M) was Manager in the Regional Office (Personnel) i.e. Manager (Personnel) in the Regional Office at Vidarbha and Marathwada at Nagpur. In his capacity as the Regional Manager he was to advise in respect of the recruitment and other things. He affirmed that as the new branch was to open at Waifad, on his suggestion the interviews were held by the concerned

Branch Managers. As the Waifad branch wanted sub-ordinate staff on a very urgent basis, and the choice was very limited, he was advised to appoint Shri Bageshwar i.e. the workman on a temporary basis and accordingly the appointment letter was given to him. He further affirmed that the Branch Manager by his letter dated 8-1-85 informed (Exh. 9|M) or reported to the Regional Manager that the work of Shri Bageshwar was not satisfactory. After the receipt of the letter, the Regional Manager advised the Branch Manager to relieve the workman from the Bank's services. Thereafter, the employment exchange, Wardha again was requested for the fresh list of the candidates aspiring for the post of the Sub-staff. It is again interviews were held and one Shri Dhabhane was selected who scored maximum marks and who was appointed on probation with effect from 5-8-85. It is also supported by the testimony of Shri Ashok Balwant Pande (Exh. 14|M) who was also the Branch Manager and who took the interviews. He was one of the members of the interview committee, who selected Shri Dhabane. It clearly goes to show that the appointment of Shri Dhabane was through the persons recommended by the employment exchange. Shri Namdeo was the Branch Manager of Waifad Branch from 8-8-86. He also supports the testimony of Mr. K. J. John (Exh. 18|M) on the general. There is no contradiction between the testimony of the management witnesses viz. Shri Ashok, Shri K. J. John and Shri Namdeo.

11. It is tried to argue that in the appointment letter, it is mentioned that if the services has to be terminated, a 14 days notice has to be given. It can be seen that so far as the service period mentioned in the appointment letter is concerned, it was over. Thereafter, the workman continued to be in service. It is therefore not necessary for the Bank to give notice of 14 days as claimed by the workman.

12. In Oriental Insurance Co. Ltd v/s. To Mohammad Raisuli Hassan, it is observed that when the condition in the appointment letter is considered as a whole, there is nothing to indicate or suggest, even remotely, that non-service of one month's notice as a condition precedent for termination of respondent's service would result in vitiation or invalidation of termination, if effected. In that case the notice period was mentioned as one month. Here in this case it is 14 days. Therefore the ratio given in that authority is aptly applicable.

13. Even though, if it is taken for granted that the three months period which is mentioned in the appointment letter is of a nature of probation, then on that case it is to be treated that the management found the worker to be unfit in services. He was allowed to be continued in the services for some more period for getting the directions from the Regional Manager, which they received after which his services were terminated.

14. There is nothing on the record for coming to the conclusion that the action of the management is improper and illegal by which the services of the worker was terminated. There is no illegality as such

by which the worker is entitled to re-instatement with other reliefs.

15. So far as the workman's further employment while engaging fresh hands is concerned, it appears that the names were called from the employment exchange for fresh appointment and his name was not there. It can be seen that the management found him to be unfit in that post and hence his services were terminated. It is affirmed by the witnesses of the management that he was not competent and there were complaints against him. It is tried to suggest that there is no record to show that. There is evidence to that effect. For all these reasons, there is justification for not considering the name of the worker for a fresh appointment later on. The appointment was made after considering the names suggested by the Employment Exchange. For all these reasons, I record my findings on the points accordingly and pass the following order :

#### ORDER

1. The action of the management of Bank of Baroda, Waifad Branch, Wardha in terminating the services of Shri Mangal Laxman Bageshwar, sub-staff with effect from 28-2-1985 and not considering him for further employment while engaging fresh hands is fair and justified.
2. No order as to costs.

S. B. PANSE, Presiding Officer

नई दिल्ली, 31 अक्टूबर, 1994

का.आ. 3339.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार नेक आफ इंडिया के प्रबंधन के विरुद्ध उक्त अधिनियम की धारा 33-क के अन्वय में दायर शिकायत में अन्वय में निदिष्ट केन्द्रीय सरकार, औद्योगिक अधिकरण सं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 31-10-94 की प्राप्ति हुआ था।

[सं. डा.-1274/94-आई.आर.बी-2]  
बी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 31st October, 1994

S.O. 3339.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure in the complaint filed against the management of Bank of India under Section 33-A of the said Act, which was received by the Central Government on 31-10-94.

[No. Dy. 1274/94-IR(B.II)]  
V. K. SHARMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2. BOMBAY

PRESENT :

Shri S. G. Panse...Presiding Officer  
Complaint No. CGIT-2/5 of 1988

PARTIES :

Shri Rajendra M. Dahikar Complainant  
V/s.

The Zonal Manager,  
Bank of India, Nagpur, : Opposite Party

APPEARANCES :

For the complainant—Shri V. U. Joshi Representative

For the opposite party.—Shri A. B. OKA Advocate  
Bombay, dated 6th October, 1994

#### AWARD

The Complainant makes this complaint under section 33-A of the Industrial Disputes Act, against the management for contravening the service conditions, contemplated under section-33 of the Industrial Disputes Act,

2. The Complainant is one of the 15 workers, who raised an industrial dispute and which was sent before this Tribunal for adjudication. When the dispute was raised. The Complainant came to be served the order of appointment, appointing him on probation on 314th scale wages vide letter dated 13-2-88, in the permanent sub-staff cadre.

3. The Complainant accepted the appointment under protest. He reported to the Nagpur main Branch of the Bank of India on 13-2-1988. He worked there for 3 days and thereafter, he was transferred to the Ram Deo Baba Extension Counter of the Bank which is about 18 kms away from his residence. No written orders of transfer were issued to him. The Complainant however had no other option but to join the duty at the new place. There he was not allowed to join the duty on the grounds that no written orders are issued nor he possessed the same. He then, returned back to the main Branch. There also, he was not allowed to enter the premises. This conduct amounts to illegal change in the service conditions of the Complainant which is directly an issue pending before this Tribunal. Therefore the complaint,

4. The management by their say (Ex. M/2) contended that there is no substance in the complaint and it deserves to be dismissed with the warning to the complainant that he should not indulge in such type of practices. It is averred that the complainant was provided with the employment and as per the policy, was transferred from one place to the other and that he had no concern with the dispute which is pending before the Tribunal.

5. My Learned Predecessor framed points for determination at Exh. 5. The points and my findings thereon are as under :

#### POINTS

1. Whether the non-applicant Bank proves that the Applicant himself refused to accept the transfer order issued in his favour, transferring him from Nagpur Main Branch to Ram Deo Baba Extension Counter ?

#### FINDINGS

In the affirmative

2. Whether the applicant proves that the non-applicant Bank, during the period of the industrial dispute before this Tribunal altered to the prejudice of the Applicant, the conditions of his service connected with the industrial dispute, applicable to him immediately before the commencement of the said industrial dispute.

#### FINDINGS

In the negative

3. To what relief, if any, the Applicant is entitled ?

#### FINDINGS

Does not arise

4. What order ?

#### FINDINGS

As per order below

#### REASONS

6. The industrial dispute which was sent by the Government of India, for adjudication is in the following terms :

"Whether the action of Bank of India, Nagpur is just and lawful in not regularising the services of 15 workmen mentioned in the Annexure hitherto as Sub-staff in their employment from 11-10-85 the date this industrial dispute was raised ? If not, to what relief are the workmen entitled and from which date ?

7. It is not in dispute that the workman concerned was one of them. Pending dispute, he was given an appointment on 13-2-1988. He was regularised as a part time employee. As such, the regulations of the Complainant cannot be said to be the Act through change in the service conditions which are prejudicial to the said workman. The Complainants grievance is that he came to be transferred from the Nagpur main branch to the Ram Deo Baba extension Counter on or about 17-2-1988. He alleged that no written transfer order was issued to him and he was earlier asked to join there. From the perusal of the documents on the record, it appears that there is no substance in it. The said Office of the Bank had affairs to that effect. The testimony of the worker that he was not served with the written order cannot be accepted. It is a common knowledge that in a Bank or in any institution, if any transfer order is effected, it has to be in writing and in this particular case it is not that the management would not have issued such a transfer order. I am not inclined to accept the fact that the transfer order was not issued.

8. If a person is appointed in the services, then transfers from one place to another are evident. The transfer of the complainant from main branch to the Ram Deo Baba extension counter cannot be said to be any change of the service conditions. If the terms of the reference are seen, then this order cannot fall within it. It is perverse. It cannot by any stretch of imagination said that the transfer of the Applicant was in fact done when the matter was in dispute, i.e. the reference. For all these reasons, I record my findings on the points accordingly and pass the following order :

#### ORDER

1. The Complaint is dismissed.
2. No order as to costs.

S. B. PANSLE, Presiding Officer.

(रोजगार एवं प्रशिक्षण महाविशालय)

नई दिल्ली, 1 नवम्बर, 1994

का.श्री. 3340.—केन्द्रिय सरकार, राजभाषा (संघ के शासकीय प्रयोगों के लिये प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में एवंद्वारा रोजगार एवं प्रशिक्षण महाविशालय (श्रम मंत्रालय) के निम्नलिखित अधीनस्थ कार्यालयों में को जिनके कार्यालयों ने हिन्दी का कार्यमाध्यक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है :—

- (क) क्षेत्रीय व्यावसायिक प्रशिक्षण संस्थान, डिग्रा।
- (ख) क्षेत्रीय व्यावसायिक प्रशिक्षण संस्थान, त्रिवेन्द्रम।
- (ग) उच्च प्रशिक्षण संस्थान, कानपुर।
- (घ) फार्मल प्रशिक्षण संस्थान, जमशेदपुर।
- (ङ) अनुसूचित जाति एवं जनजाति के उम्मीदवारों के लिये अस्थायी एवं मार्गदर्शक केन्द्र, जबलपुर।
- (च) विभागीय भाषाविशेष पूर्वार्थ केन्द्र, पटना।

[न. डीजीडी-11017/1/94-हिन्दी]

वी. डी. नागर, प्रा. गी. नाच

Directorate General of Employment & Training

New Delhi, the 1st November, 1994

S.O. 3340.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for Official purpose of the Union) Rules, 1976, the Central Government hereby notifies the following subordinate offices of the Directorate General of Employment and Training (Ministry of Labour), the staff whereof have acquired the working knowledge of Hindi.

1. Regional Vocational Training Institute, Hissar.
2. Regional Vocational Training Institute, Trivendrum.
3. Advance Training Institute, Kanpur.
4. Forman Training Institute, Jamshedpur.
5. Coaching cum Guidance Centre for Scheduled Castes/Scheduled Tribes, Jabalpur.
6. Vocational Rehabilitation Centre for Handicapped, Patna.

[No. DGET 11017(1/94 Hindi)]

V. D. NAGAR, Under Secy.

नई दिल्ली, 1 नवम्बर, 1994

का.आ.—3341 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, न्यू साउथ ईस्टर्न कोल फील्ड्स लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-10-94 का प्राप्त हुआ था।

[सं.एल.—21012/24/86—डी II (बी) डी III (पी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 1st November, 1994

S.O. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of New South Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on the 25-10-94.

[No. L-21012/24/86/DII(B)/DIII(A)]

RAJA LAL, Desk Officer

## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP).

Case No. CGIT/LC(R) (201)/1987

BETWEEN

Shri Jogendra Kumar represented through the General Secretary, Koyala Samik Sabha (HMS), Korba, Post Korba, District Bilaspur (MP).

AND

The General Manager, Western Coalfields Ltd. (Now South Eastern Coalfields Ltd.), Korba Area, Post Korba, District Bilaspur (MP).

PRESENT :

Shri Arvind Kumar Awasthy, Presiding Officer.

APPEARANCES :

For Workman.—Shri R. C. Srivastava Advocate.

For Management.—Shri R. Menon, Advocate.

INDUSTRY : Coal Mine DISTRICT : Bilaspur (M.P.)

AWARD

Dated, 30th September, 1994

This is a reference made by the Central Government in the Ministry of Labour vide its Notification No. L-21012 (24)/86-D.II(B)/D.III(A) dated 1st October, 1987 for adjudication of the dispute as mentioned under the Schedule to the reference order :—

## SCHEDULE

"Whether demand of the union regarding re employment and regularisation of Sri Jogendra Kumar with back full wages is justified, if not to what relief the workman is entitled for ?".

2. Parties have filed an application dated 14-9-94 stating as under :—

"In view of the facts of the case the workman is not entitled to avail any relief what-so-ever. However, to keep industrial harmony and to avoid industrial

unrest, the management have sympathically considered the case of workman and has offered him employment vide order of appointment dated 22-4-86. The workman has accepted the offer and joined duty w.e.f. 8-5-86 as per his application which is filed along with the list of documents.

After having joined in services the workman was given promotion vide order dated 8-2-87 which is also filed along with the list of documents.

In view of the above facts and circumstances it is humbly submitted that the applicant is not entitled to any other relief than the employment with the answering management.

In view of the above it is humbly submitted the order of the reference may be answered accordingly".

3. Management filed documents as per list. Workman stated that he has no dispute now.

4. Since the workman has no dispute now there remains no dispute for adjudication. I therefore record a No Dispute Award and make no order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 1 नवम्बर, 1994

का.आ.—3342 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-10-94 का प्राप्त हुआ था।

[सं.एल.—22012/312/90—आईधर (आर.सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 1st November, 1994

S.O. 3342.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workmen, which was received by the Central Government on the 27-10-94.

[No. L-22012/312/90/RC II]

RAJA LAL, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. Pansar, Presiding Officer.

Reference No. CGIT-2/31 of 1990

Employers in relation to the Management of W.C. Ltd. (Chanda Rayatwari Colliery Sub-area).

AND

Their Workmen.

## APPEARANCES :

For the Employers.—Shri B. N. Prasad,  
Advocate.

For the Workmen.—Shri S. R. Pendre,  
Representative.

Bombay, dated the 11th October, 1994

## AWARD PART-I

The Government of India, Ministry of Labour, New Delhi, by their letter No. L-22012(312)/90-IR(C. II) dated 22nd October, 1990 referred to the following industrial dispute to this Tribunal for adjudication. It is in the following terms :

“Whether the action of the management of Sub Area Manager, Chanda Rayatwari Sub Area of W.C. Ltd., PO & Dt. Chandrapur (MS) is legal and justified in dismissing Shri Devishankar, S/o Gajja, Loader w.e.f. 20-12-1989? If not, to what relief the concerned workman is entitled to?”

2. Initially, the Rashtriya Koyla Sangh was the party to this reference, because the worker concerned was its member. He resigned from that union and joined the Lal Babta Koyla Union, which was added later on in this reference.

3. Both these unions have filed the statement of claim. They have contended that Shri Devishankar Gajja the worker, Ex-loader was working at Chanda Rayatwari Colliery from 1974. There are many workers in the said Colliery. The coal industry is a public sector industry.

4. The Government of India, by its notification dated 17th January, 1989 declared a public holiday on 1-5-1989 on account of Pandit Jawaharlal Nehru's centenary which fell on 14-11-1989 by the public sector undertaking and in which the Coal industry also falls. The management did not bring this circular to the notice of the workers but any how the workers came to know regarding the same and they availed the facility of this holiday on 14-11-1989.

5. The management, C.R.C. deducted eight days salary under the Article 9(2) of the rules and the payment of 447 workers were kept as the charge of strike on 14-11-89. The deduction is illegal due to the rules of Article 1(6) of the above mentioned rule. That rule is only applicable to the workers who are drawing less than Rs. 1600. 99 per cent of the workers of the industry are drawing more than Rs. 1600.

6. Mr. Devishankar was issued a letter on 18-12-89 under the Article 13(B) No. 9, 11, 19, 20, 34 & 35 of the Companies standing order under which his services were terminated. Over 27 workers who were working with him were also terminated from services on the same article.

7. The worker Shri Gajja was given a charge-sheet on 19-12-1989. He gave his reply to the same, denying the contents thereon to be false. One Shri Mahanto, Senior Labour Officer was appointed as the Enquiry

Officer of the Hindustan Lalpeth Colliery Sub Area workers. It is out of the jurisdiction of the management C.A.R.C. because they are two different fields working under two different managers.

8. The worker alleged that the enquiry that was conducted against him was unfair and unjust. The principles of natural justice were not followed. The enquiry was conducted within one day and he was not given to cross-examine the witness and lead evidence. It is alleged that he was not allowed to be represented by a co-worker and the false charge was kept on him. The charge which was levelled against him was not supported by the other workers. It is therefore the findings of the Enquiry Officer is unjust and improper. It is further submitted that there is no industrial dispute pending between the management and the workman and the reference is not tenable under law and this Tribunal has no jurisdiction to entertain the same. It is averred that the enquiry which was conducted against the worker was not as per the procedure.

9. The management denied the claim made by the worker. It is averred that the enquiry which was carried out was after following the principles of natural justice. The due opportunity was given for cross-examination. It is averred that the worker was given the opportunity to defend by his union, but he did not avail the opportunity. It is asserted that looking to the charges proved against the worker, the punishment imposed upon him is just and proper. It is denied that the Enquiry Officer had no jurisdiction to enquire into the matter. It is prayed that the reference may be answered in favour of the management.

10. My Learned predecessor framed issues at Exh. 13. On 21-10-1992, he ordered that issues from 1 to 4 are to be tried as the preliminary issues. The issues and my findings thereon are as follows :

ISSUES	FINDINGS
1. Whether to industrial dispute existed between the said workman/his any of the Unions, and the management?	In the negative
2. Whether the present reference made by the Central Govt. is tenable in law?	In the affirmative
3. Whether this Tribunal has jurisdiction to entertain and declare the present Reference?	In the affirmative
4. Whether the inquiry conducted against the workman Shri Devishankar Gajja was not conducted properly, and the rules of natural justice were not followed?	In the negative

## REASONS

11. Shri Devishankar Gajja (Exh. 14) affirmed as per his claim. He was a member of the Lal Batta Koyla Union till 1978. Thereafter his dismissal he was not a member of another union. He had referred his case to the INTUC union affiliated, and they raised an industrial dispute before the Assistant Labour Commissioner (Central). Shri Sharma was the then Secretary of the Union. On its basis it is tried to suggest that there was no existence. It is but well settled to say that the worker was represented by the union and in this case, he was so represented because the industrial dispute was in existence.

12. Shri Devishanker swears that he does not know if Shri Vishwas Lahamge was looking after the Chandarpur area wherein his case falls. He is the representative for the Union. He admits that he attended the conciliation proceeding but, he was not in a position to state whether one Mr. Sharma, the representative was objected to represent the case. In other words, it is tried to suggest that he was represented properly.

13. It is tried to argee on behalf of the union that the enquiry was conducted hurriedly within a day. No doubt the enquiry was conducted with one day, but that does not mean that it was completed hurriedly. On December 19, 1989, a letter of enquiry was served on the worker wherein the time, date and the place of the enquiry was mentioned. Not only that, Shri Gajja the worker attended the enquiry without any protest on the given date, time and place. In such circumstance, there was no need to issue a separate letter in respect of the same. That speaks that the worker had full knowledge regarding the place of the enquiry, time and the date of the enquiry. So far as the completion of the enquiry within one day is concerned, by no stretch of imagination it can be said that because of that it becomes illegal or improper. There is no proof rejecting the enquiry for a particular period. It represents the open facts of each case. There is no record to show that the worker sought for adjudication, and it was rejected. There is no record to show that there was no opportunity given to him to cross-examine the witness, nor had any evidence.

14. There is no substance on the ground that the Enquiry Officer played the role of the Prosecutor because he was the Presenting Officer.

15. In the letter which was issued to the worker it is specifically mentioned that he can avail the opportunity of the Co-worker to represent his case. He admits in the cross-examination that the Shri Mahanto (Enquiry Officer) asked him whether he likes to keep the Co-worker present in the enquiry to which he answered in the negative, and for which he told him that he does not know any co-worker nor regarding the enquiry. Then he was given to understand what is meant by a Co-worker. It means that the worker was given full understanding that he is entitled to

take the help of the Co-worker in the domestic enquiry. Shri Mahanto had also affirmed to that effect.

16. Mr. Vishwas Lahamge is the co-worker. At one stage he has stated that he would like to be represented by the Co-worker Mr. Lahamge. If this is so, he knows what is mentioned by the Co-worker. Then the testimony to that effect appears to be incorrect. It is pertinent to say that before the settlement, the Officer was asked to appear as the Enquiry Officer and he had nowhere stated that he wanted to be represented by Shri Lahamge. But this man comes in the picture even at the time of the affidavit. It appears that this theory had taken up after the thought which should be allowed. The Enquiry Officer repeatedly told the worker that he can avail up the help of the co-worker. There is no reason why he should be dis-believed when the other side supports him and which I have mentioned above. There is no cross-examination of the Enquiry Officer in respect of the engagement of such a Co-worker in the domestic enquiry.

17. Mr. Mahanto, the Senior Personnel Officer, Lal Batta Koyla Union, Sub Area was being appointed as the Enquiry Officer with the approval of the competent Authority. From the two other documents which are filed by the union, speaks to that effect. As he is the Officer of the Company, there is no need to take the approval for his appointment. In fact, he was an impartial Enquiry Officer. He was free from any bias. There is no illegality for the appointment of the said Enquiry Officer in the Enquiry.

18. The whole enquiry proceeding was held in Hindi. In the proceeding of the delinquent he was given an opportunity for cross-examination. After the enquiry was over, it was closed at the consent of the parties. The delinquent has put his thumb impression over it. One Shri Nanka was his defence witness. His evidence was recorded in Hindi in his presence. For all these reasons, I find that the whole domestic enquiry was just and proper. It is wrong to say that no natural justice was followed at that time.

19. As already observed above, the union raised a dispute in respect of the termination of Shri Gajja, the worker, before the Assistant Labour Commissioner. He in his turn sent a failure report to the Central Government. It found it fit to refer the same as an industrial dispute to this Tribunal for adjudication. I do not find that the dispute being an industrial dispute, from the Central Government industry, this Tribunal has jurisdiction to try over the same. For all these reasons, I record my findings on the points accordingly. In short, I come to the conclusion that the industrial dispute exists between the worker and the management, the reference is tenable and this Tribunal has jurisdiction to try the same. The domestic enquiry effected against the workman Shri Gajja was proper and the rules of the natural justice were followed.

S. B. PANSE, Presiding Officer

नई दिल्ली, 1 नवम्बर, 1994

का.आ. 3343.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एम.सी. सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-94 को प्राप्त हुआ था।

[सं. एल-22012/198/90-आई.आर. (सी)-II]

राजा लाल, डेस्क अधिकारी

New Delhi, the 1st November, 1994

S.O. 3343.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of SCC Ltd. and their workmen, which was received by the Central Government on the 26-10-94.

[No. I-22012/198/90-IR C. II]

RAJA LAL, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

#### PRESENT :

Sri Y. Venkatachalam, M.A., B.L.,  
Industrial Tribunal-I.

Dated : 10th day of October, 1994

Industrial Dispute No. 74 of 1990

#### BETWEEN :

1. C.H.V. Raghavacharyulu, 2. B. N. Swamy,  
3. P.S. Lingam, 4. K.S.R. Mohan Rao,  
the workmen of S.C. Co. Ltd., Kothagudem  
Khammam District ...Petitioner

#### AND

The Management of S.C. Co. Ltd.,  
Kothagudem, Khammam District

...Respondent

#### APPEARANCES :

Smt. N. K. Annapurna Devi, Advocate for the  
Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advoca-  
cates for the Respondent.

#### AWARD :

The Government of India, Ministry of Labour, by its Order No. L. 22012(198)/90-IR(C. II), dt. 4-12-1990 referred the following dispute under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947

between the Management of Singareni Collieries Company Limited, Kothagudem and their Workmen to this Tribunal for adjudication :

"Whether the action of the management of S.C. Co. Ltd., Kothagudem in discriminating and denying promotions to S/Sri C.H.V. Raghavacharyulu, B.N. Swamy, P.S. Lingam and K.S.R. Mohan Rao from others is justified ? If not, to what relief the workmen are entitled to ?"

The reference was registered as Industrial Dispute No. 74 of 1990 and notices were issued to both the parties.

2. The claim statement was filed by the Petitioner-workman on 20-7-1991 and the counter was filed by the Respondent-Management on 23-9-1991. Since then the Petitioner did not adduce any oral or documentary evidence and they are not coming forward to prosecute the case, though several adjournments were given by this Tribunal. Neither the Advocate for the Petitioner nor any representation on their side. This Tribunal feels there is no reason to adjourn the case further as the Petitioner is not adducing any evidence to substantiate their case. In view of the above, this Tribunal is left with no alternative except to terminate the reference.

3. In the result, the reference is terminated and award is passed.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 10th day of October, 1994.

Y VENKATACHALAM, Industrial Tribunal-I  
Appendix of Evidence

NIL

नई दिल्ली, 1 नवम्बर, 1994

का.आ. 3344.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-94 को प्राप्त हुआ था।

[सं. एल-41012/26/90-आई.आर. (डी यू) आई.आर. (बी-I)]  
वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 1st November, 1994

S.O. 3344.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway and their workmen, which was received by the Central Government on the 31-10-94.

[No. L-41012/26/90-IR(DU)]IR(B-I)]

V. K. SHARMA, Desk Officer

## ANNEXURE

BEFORE SHRI M.S. SULLAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 145/90

Shiv Charan Vs. Northern Railway.

For the workman—Shri H.K. Gandotra

For the management—Shri P. P. Khorana

## AWARD

Dated 3-10-1994

In the wake of industrial dispute, raised by Shiv Charan workman, the Central Govt. vide letter No. L-41012/26/90 I.R. (DU) dated 19th October, 1990 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Northern Railway in terminating the services of Shri Shiv Charan is justified ? If not, to what relief the workman concerned is entitled to and from what date ?”

2. The matrix of the facts, culminating in the commencement of the present case, are that workman was appointed as Khalasi C&W on 14th September, 1968 in Ferozepur Division, at Amritsar, Northern Railway, the respondent management. He remained absent since 1st November, 1978 without any Sanction for leave. After enquiry he was removed from service w.e.f. 26-7-1982 by the management, and his appeal was dismissed by the appellate authority. It necessitated the raising of the dispute by the workman.

The case set up by the workman is that, he was compulsarily removed from his service, vide letter No. 725/E/1/3117 P2B dated 19-7-1982, issued by the office of D.R.M. Ferozepur. According to the workman, he remained absent as his wife fell seriously ill owing to chronic disease. There was nobody in the family to look after her, despite the fact, that he has 8 members of his family. He verbally informed the management about the above said situation and he remained on presumed Sanctioned leave from 1-11-1978 to 10-6-1979. It has been admitted by the workman that a show cause notice and charge sheet was served upon him by the respondent authorities at Ferozepur, containing fake and fictitious allegations, which were duly replied/refuted by him. Levelling the variety of allegations against the management, the workman has challenged his removal from the service, mainly on the ground, that no enquiry has been held in the presence of the concerned workman, though he was verbally called by the enquiry officer, yet no witness of the management had been examined in his presence. The statement of the workman was not recorded, and no defence witness was allowed to be cross-examined by him; that he was not allowed to be represented by any lawyer or any colleague before the enquiry officer; that no evidence or record of the enquiry had ever been supplied to him by the management, and no personal hearing had been given before the imposition

of the penalty by the management; that order is not a speaking one. He was removed from service on 19-7-1982. Appeal filed by the workman was also dismissed. In all, it has been alleged, that the authorities of the management, did not file the proceedings of enquiry and no proper enquiry was held in his presence. On the footing of aforesaid allegation the workman sought to challenge the order of removal from service and claimed the continuity of service with full back wages etc.

3. The management contested the reference and filed written statement, inter-alia, pleading that he remained unauthorisedly absent since 1-11-1978, and he was removed from service w.e.f. 26-7-1982, after following all the formalities required under disciplinary appeal Rules 1968. The case set up by the management is that, the workman neither informed the Rly. Administration regarding sickness of his wife nor produced any certificate in this regard. Reiterating the stand, the management has informed, that even earlier, the workman remained on unauthorised absence from duty w.e.f. 1-11-1978 to 10-6-1979 and again remained absent for 55 days in the year 1980, and 193 days in the year 1981. According to the management, again, he remained unauthorised absence from duty w.e.f. 1-11-1978 to 10-6-1979. He was issued (SF-5) charge sheet in February, 1979 which was duly acknowledged by the workman under his clear signatures. Enquiry was conducted by the enquiry officer, but, the workman intentionally failed to attend the enquiry on the fixed dates, for which he was informed on every date of hearing. He did not attend enquiry inspite of repeated requests of the enquiry officers. Thereafter, enquiry officer took exparte decision and submitted his enquiry report to the disciplinary authority. The disciplinary authority accepted the enquiry report of enquiry officer and passed the order of removal from service of workman, as DME (C&W) was fully competent to pass the order of removal from service of the workman. Stoutly denying the other allegations of the workman, and the illness of his wife, in all, the management pleaded that he remained absent from his duty without any leave or sanction. Enquiry, according to rule, was conducted and the competent authority found him guilty and the workman was rightly removed from service. That being so, the management prayed for the dismissal of the reference.

4. Controverting the allegations of the management and reiterating his stand taken in the statement of claim, the workman filed the replication.

5. The workman in order to substantiate his claim, examined Subash Kumar, as WW2, and tendered his affidavit Ex. W10 while he himself appeared as his own witness as WW1, who has tendered his affidavit Ex. W1. The workman has also relied upon the documents letter dated 3-11-1982, Ex. W2, letter dated 19-7-1982, Ex. W3, rejection of appeal dated 5-10-1987 Ex. W4, letter of workman, regarding mercy Ex. W5, letter of workman dated 28-5-1989, Ex. W6, letter dated 31-8-1987, Ex. W7, Minutes of meeting dated 29-11-89 Ex. W8, letter dated



18-9-1982 Ex. W9. It will not be out of place to mention here that the evidence of the management was closed by the order of the Court, dated 30-5-1994 of Shri Arvind Kumar, the then learned presiding officer.

6. Having heard the representatives of the parties and having gone through the evidence produced on record by the workman, with their help and after considering the matter deeply, to my mind and the reference deserves dismissal.

7. As indicated earlier, the case set up by the workman, in brief in so far as relevant, is that, he has remained on presumed sanctioned leave as his wife was seriously ill. Even in his affidavit Ex. W1, the workman has categorically admitted, that he remained absent from duty on presumed sanctioned leave from 1-11-1978 to 10-6-1979. He has also so admitted in his cross-examination that he remained absent w.c.f. 1-11-1978. Subhash Kumar WW2, is another witness, produced by the workman who has also admitted in his cross-examination, that the petitioner remained absent from 1-11-1978 to 10-6-1979. In other words, it has not been disputed by the workman that he remained absent from duty without any prior sanction or leave. On the other hand, case set up by the management is that the workman remained absent. He did not apply for leave or obtained prior sanction. He remained absent till the impugned order of his removal from service was passed after due enquiry. The management has filed the affidavit that the workman unauthorisedly remained absent since 1-11-1978 and he was removed from service w.e.f. 26-7-1982 after following all the formalities under Disciplinary and Appeal Rules 1968. The short and significant question, though important, arises for determination in this case is, whether the workman has proved that he had sufficient cause for his absence. It may be reiterated here that even the workman has admitted that the enquiry was held in his absence, while according to the management, he did not voluntarily participated in the enquiry as he was duly informed. Even the workman has not led any cogent evidence in this Court to prove that he had sufficient cause to remain absent. According to him his wife was suffering from chronic disease (para 2 of the statement of claim) but he has not examined any doctor or produced any cogent medical evidence, except the photocopy of alleged medical certificate dated 18-9-1982, from Dr. Satya Pal R.M.P. Original of the same was neither produced in the Court nor the said doctor was examined. Otherwise also, in this situation, no implicit reliance can be placed to the copy of the alleged medical certificate. Perusal of the alleged photocopy of medical certificate would go to show that it was later on procured. It is difficult to believe that a R.M.P. doctor could treat a chronic patient, so, in the absence of any cogent evidence, it can not possibly be said, that the workman remained absent without any prior leave or, sanction, owing to illness of his wife.

8. Another contention of the representative of the workman, that no proper enquiry was conducted in his presence, is again devoid of merit, because 2576 GI/94—7.

workman has himself admitted in para 4 of the statement of claim that he had been served with a show cause notice, and charge sheet by the respondent management authority at Ferozepur, containing fake allegations, which were duly replied/refuted by him. Even, he has admitted that the enquiry was held in his absence. The bare perusal of para 4 of the statement of claim would further reveal that the workman actually participated in the enquiry, rather he has admitted that he was verbally called by the enquiry officer, but his statement was not recorded. Workman has not produced any record or any application, raising accusing finger towards the enquiry officer or any document showing that he ever lodged any protest or has raised any objection, regarding the manner of the enquiry. No doubt, the management has not produced the enquiry file, as its evidence was closed by the order of the Court, but the bare perusal of pleadings and evidence on record, produced by the workman, itself proves, that he remained absent without any prior leave or sanction and enquiry was held, and the workman was duly called, as admitted by him in his statement of claim. So, in this situation, the workman is not entitled for any relief, in view of the observations, in The management Director Vs. Babasaheb Devgonda Patil and another 1988 Lab. I.C. 288 and Teja Singh Vs. Punjab Water Supply and Sewerage Board and another 1993 (4) R.S.J. page 490.

9. There is another aspect of the matter which can be viewed from another angle. As mentioned above and taking the risk of repetition, the workman was removed from service w.e.f. 19-7-1982. The bare perusal of para 12, of the affidavit of the workman, would go to show that he raised a demand by way of notice for the first time on 19-6-1988, for raising the present dispute. In other words, the workman did not care to raise the dispute immediately after his removal from service. The same was raised after about six years and he is definitely guilty of delay and laches, which would disentitled him to any relief, in the obtaining circumstances of the case. The reliance in this regard can be placed to a judgement in Punjab State Electricity Board Vs. State of Punjab 1993 (1) S.C.T., page 103.

10. Now adverting to the last contention of the representative of the workman that the punishment awarded to the workman is disproportionate to the charges levelled against him and it deserved to be rectified as contemplated U/S. 11-A of the Act, against it is neither tenable nor the judgement in workmen of Firestone's case reported in Vol. 49 F.J.R. page 317 would come to his rescue. It may be added in this regard that, no doubt, Section 11-A of the Act postulates that Tribunal may reduce the punishment, if the Tribunal is satisfied that the order of discharge or dismissal was not justified, but as mentioned above, there was very grave charge against the workman, that he remained absent from duty authorisedly without any prior leave or sanction. So, keeping in view the gravity of the charges and period of absence, to my mind,

the order passed by the competent authority for the removal from service of the workman, is justified, and no interference is called, in this direction, in the present situation.

11. In the light of aforesaid reasons, the conclusion is unescapable that workman is not entitled for any relief. Consequently the reference petition is hereby declined with no order to costs. Appropriate Govt. be informed accordingly.

Chandigarh,  
3-10-1994.

M. S. SULLAR, Presiding Officer.

नई दिल्ली, 1 नवम्बर, 1994

का.आ. 3345 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन के संबंध निगोशकों और उनके वर्माकारों के बीच, संबंध में निश्चित औद्योगिक विवाद से औद्योगिक अधिकरण अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-94 को प्राप्त हुआ था।

संख्या एन-12011/53/86-डी. 2(ए) आई.आर. (बी 2)]  
वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 1st November, 1994

S.O. 3345.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workmen, which was received by the Central Government on 31-10-94.

[No. L-12011/53/86-DII(A)/IR(B.II)]  
V. K. SHARMA, Desk Officer

#### ANNEXURE

BEFORE SHRI A. B. PATEL, INDUSTRIAL,  
TRIBUNAL, AHMEDABAD

Ref. (ITC) No. 14 of 1986

Dena Bank,  
Zonal Office,  
Ashram Road,  
Ahmedabad.

First party.

Versus

M/s. Jhabwala,  
Secretary,  
Self Employed Women's Association,  
SEWA Reception Centre,  
Opp: Victoria Garden,  
Ahmedabad.

Second party.

In the matter of termination of 11 women workers engaged for the work of sweeping and cleaning of premises of Dena Bank Building at Ashram Road, Ahmedabad, through Contractor Shri Bengaliram.

#### APPEARANCES :

S/Shri Prashant Giriraj Desai  
" Chandrakant C. Bhalja  
" Vishnu M. Joshi

for the first party Dena Bank.  
S/Shri M. K. Jiani  
" Meenaben Patel  
" D. S. Vasavada  
for the second party.

#### AWARD

This reference has been referred to the Industrial Tribunal, Ahmedabad by Shri M. K. Verma, of Govt. of India, Labour Ministry, New Delhi by his letter No. L-120-K/53/86-D-II (A) dated 16th December, 1986. It is stated in the letter that whereas the Central Government is of the opinion that the industrial dispute exists between the employer in relation to the management of Dena Bank and their workmen in respect of the matters specified in the schedule hereto annexed.

It is also stated that now in exercise of the powers conferred by Clause (D) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal at Ahmedabad. The industrial dispute which has been referred to this Tribunal as stated in the schedule is as under :

"Whether the action of the management of Dena Bank, Zonal Office, Ashram Road, Ahmedabad in terminating the services of 11 workers as shown in the enclosed list and engaging new employees in their place is justified? If not to what relief these workers are entitled?"

2. The Secretary, Self Employed Women's Association has filed statement of claim of Ex. 4. The statement of claim is also signed by the concerned workmen—workers. It is stated in the statement of claim that 11 women workers whose names have been stated in the Annexure attached to the schedule to the terms of reference were working with Dena Bank, Zonal Office, situated at Ashram Road, Ahmedabad, that they were working from 1-1-1982 and they were paid Rs. 8 per day. Thereafter from 18-4-75 they were being paid Rs. 12 per day. That they were doing the work of sweeping and cleaning of premises of Dena Bank Building, which is having 10 stories : that, their work was quite satisfactory and they were no grievance against their work.

That they had joined Self Employed Women's Association in 1984 and they have seen superior officers of the first party Dena Bank and has demanded their legal dues. Thereafter their demand was submitted

in writing also. Because of their demand the first party Dena Bank terminated their services from 10-10-84 without any reason and without giving any notice whatsoever. That through their Association they had lodged a complaint to the Government Labour Officer. That thereafter they were taken upon work for sometime, but again from 18-4-85 their services were terminated by the Contractor, Shri Bengali Ram associated with officers of the first party Dena Bank. That they were not given any notice and no reason was said to them for terminating their services. That they were not paid retrenchment compensation and dues for leave at their credit. That by terminating their services they have been victimised and they had organised and had joined Self Employed Women's Association. That action of the management amounts to unfair labour practice and victimisation.

3. That concerned women workers have worked with the first party Dena Bank continuously for 3-1/2 years and that they had worked on each and every day of the month. They were entitled to be paid salary as per the payscale which is given to permanent subordinate staff. That they are entitled to get all the benefits, which are being paid to the permanent subordinate staff by the bank. That they should be considered permanent from the very beginning and they should be made permanent. That the Contractor Shri Bengaliram had filed Civil Suit in Ahmedabad City Court, Suit No. being 6075 of 1986 and had obtained stay against the bank for not to terminate his contract and in that manner the contractor had engaged junior workers than the concerned workers. That they are entitled to work as per their seniority, but by not giving work to them they are being superseded and economic loss was incurred by them. That the work of sweeping and cleaning premises of ground floor, toilets and urinals are of a permanent nature and so they should not have been terminated, but the management of the bank with a view not to give benefits as demanded by them. Their services have been terminated arbitrarily and without giving any reason whatsoever and as per the provisions of Shastri Award. As they have completed 240 days service they should be made permanent from their joining date and they should be paid wages as per the pay scales of subordinate staff of the bank. As per the contention as stated in the amended para 3A, it has been contended that the Government of India by issuing notification No. SU/779/E dated 9-12-76 has prohibited and has imposed them in giving contract work of sweeping and cleaning premises of the Institution for which Central Government is the appropriate government. That in view of the notification of the Government of India, action of terminating their services by the management of Dena Bank is quite illegal and improper. It has been prayed by the Association that the reference should be allowed and action of the management of Dena Bank in terminating the services of the concerned 11 women workers with effect from 10-10-84 be declared as quite illegal, improper and unjust, and as per the provisions of Shastri Award they should be declared as permanent workers of the bank and they should be directed to reinstate in their original post by awarding them full back wages of the full period and that the cost of this reference should also be awarded to the Association.

4. The Deputy General Manager of the Dena Bank, Circle Office, Gujarat Circle has filed written statement. Before dealing with the para-wise reply of the statement of claim filed by the second party dated 4-2-87 the first party bank submits that the second party has not made party to Shri Bengaliram, who was the alleged contractor through whom it was alleged that parties of the second party were employed and therefore this reference cannot be decided without Shri Bengaliram being made party in this reference. It is further submitted that there is no relationship of the employer and employee between the female workers and the bank and therefore no industrial dispute can adjudicate between the Dena Bank and female workers. It is further submitted that issue raised in the statement of claim cannot be decided by the Hon'ble Tribunal since it has to decide the jurisdiction of the industrial Tribunal as laid down in the matter Bharat Heavy Electricals Limited versus BHEL Workers Association and also in the case of Vegoil Pvt. Ltd. versus workmen in which it has been laid down that the industrial Tribunal will have no jurisdiction to decide the issue with respect to such cases (under the Contract Labour & Abolition Act) and in respect of any matter relevant to the conditions of service and an employee engaged by the contractor as defined in the said Act. It is further submitted that the second party not being employees of the bank, there is no question of entertaining or adjudicating upon the dispute by the Industrial Tribunal. It is denied that the second party workmen were employed as daily workers from 1-1-1982 and initially they were paid Rs. 8 per day. It has also denied that lastly they were paid Rs. 12 per day upto 18-4-85 as alleged by the workmen in the statement of claim. It has denied that they were employed in the workmen category of the bank for cleaning and sweeping Dena Bank Building from ground floor to 10th floor as alleged. It has denied that the second party workman had completed 240 days in a year and they have worked for more than 8 hrs. in a day as alleged. It is submitted that the second party has never been employed by the bank and there is no relationship of employer and employee existed between the bank and the said female workers and therefore there is no question of application of the provisions of the I.D. Act, 1947. It is submitted that no service record was kept so far as female workers employed by Shri Bengaliram since that was ad-hoc and temporary arrangement till the bank employs persons in a regular manner to provide for cleaning and sweeping of Dena Bank, Laxmi Building situated at Ashram Road, Ahmedabad. The names of the workers mentioned in a table given at page 2 of the said statement of claim were never employed by the bank and therefore there is no question of maintaining the present reference as alleged. It is denied that the said employees were employed by the bank from 1-1-1982 and they were paid Rs. 8 per day in the beginning and thereafter they were paid Rs. 12 per day. It is denied that their services were terminated with effect from 18-4-85 that no appointment letters were given by the bank and therefore there is no relationship between the bank and the said female workers. It has been clearly admitted that the second party workmen was in employment of Shri Bengaliram Nathiram Mahaveer who was a contractor; that Shri Bengaliram should also be made a party to this re-

Terence. It is submitted that no purely ad-hoc and temporary arrangement till the bank employs persons in a regular manner, the bank had requested the person namely Shri Bengaliram Nathuram to provide for carrying out this work of sweeping floors of the Dena Bank Laxmi Building. It appears that the said person made casual appointment and as such casual persons were engaged by the said person to carry out the work of sweeping floors. It is submitted that work carried out by this female women workers were not incidental work of the bank. It was the work of a casual nature; that they do not fall within the purview of the definition of the workmen as defined in the I.D. Act, 1947. The second party workmen were not employed in any industry and therefore they are not covered by the provisions of the I.D. Act, 1947; that the persons employed through Shri Bengaliram were not even working for 8 hrs. in a day; that the second party workmen were not employed by the bank and they were not given appointment letters and their names were not on the pay roll of the bank and as they were not registered with the bank as employees, there was no question of giving pay scale according to Shastri Award and benefits such as D.A. & special allowance such as high cost allowance, maternity benefits, H.R.A., washing allowance, bonus, provident fund, privilege leave, casual leave, sick leave, medical allowance as demanded in the statement of claim. It is denied that as the second party workmen demanded the rights, the first party discharged them w.e.f. 10-10-1984. It is not admitted by the first party bank that since the complaint was lodged to the first party, by Swashray Seva Mandal to the Government Labour Officer, the second party workmen were again employed by the Bank as alleged. It has denied that the second party workmen have been victimised by the bank. It is denied that the second party workmen have to be treated as permanent employees of the bank. It is submitted that the bank can appoint subordinate staff only according to the rules and its policy and also according to law which includes law in relation to Employment Exchange (C & V) Act, 1959 (Declaration of Vacancies of Local Employment Exchanges). It is also submitted that there are certain guidelines as well as rules of the Central Government and on the basis of the said guidelines only the appointments can be made, through Employment Exchange and not by any other method. In this connection, the second party craves leave to refer to the Government guidelines and circulars issued by the head office in this behalf. It is submitted that 11 female workers were never employed by the bank and they were engaged by Shri Bengaliram who has asked to carryout the work of sweeping and cleaning premises of Dena Bank Laxmi Building purely by way of ad-hoc and temporary arrangement as mentioned in the foregoing para. So far as the reference to the Civil Suit No. 6075 of 1986 is concerned it is pending before the City Civil Court, Ahmedabad and the bank does not wish to deal with the same. It is submitted that the said suit has been filed by Shri Bengaliram as his contract was terminated with effect from 31st October, 1986. On receipt of the letter from the office of Assistant Commissioner of Labour (Central) Ahmedabad, it denied that the first party is bound to give preference according to the seniority as alleged. It is denied that the first party has deliberately affected the rights of the 2nd party as alleged. It is denied that

the second party workmen has got service of more than 240 days in a year. It is submitted that there is no question of the application of Section 25 of the I.D. Act. It is also denied that the first party has terminated the services of the second party workmen on 18-4-85 since they raised a demand through the said Association. It is submitted that Self Employed Women's Association is not the recognised union by the Bank. As the second party workmen are not employees of the bank there is no question of giving benefits as given to the subordinate staff of the bank. It is denied that action of the bank is illegal and unjust.

5. It is submitted that according to the instructions and guidelines of the Government of India, the bank cannot recruit subordinate staff without fulfilling its prescribed norms. It is submitted that only an ad-hoc temporary arrangement was made till the bank employees are recruited in a regular manner and for that purpose the bank had requested Mr. Bengaliram to provide for carrying out sweeping work or floors of Dena Bank Laxmi Building and the said contract has now been terminated by the Bank as soon as the letter received from the Assistant Labour Commissioner (Central), Ahmedabad. Even the said Shri Bengaliram has approached the Civil Court and has obtained ex-parte injunction restraining the Bank from terminating his contract. It is submitted that the second party workmen were never employed by the bank and without prejudice to the other contentions, even if it is held that they were employed by Shri Bengaliram, they were only doing casual and intermittent work and not the work incidental to the industry and therefore, in any manner, the first party does not fall within the meaning of Section 2(s) viz. workman. It is submitted that the bank has not terminated the services of the said 11 female workers nor the bank has any supervision and control over the said 11 female workers. That the bank has not paid wages and therefore the bank has not employed them. It is further submitted that Self Employed Women's Association wrote a letter to the bank for the proposed contract for cleaning of Dena Bank Building/office premises, but as the said offer was turned down by the bank the said Association raised a false demand just to harass the bank and to pressurise the management to accept that contract. The copy of the said letter is submitted by a separate list. Such tactics are highly detrimental to the interest of the bank as well as to the nation. It is submitted in view of the aforesaid facts and circumstances, the first party prays that the demand raised by the second party be rejected, and this reference be dismissed.

6. I have heard Ktm. Meenaben Patel for the Second party Association. She has stated before me that 11 female workmen were working with the bank since 1-1-1982 and they were doing the work of sweeping the premises and cleaning toilets and urinals of the bank; that they were paid Rs. 8 per day; that because of the intervention of the SEWA they were being paid Rs. 10 per day in the year 1984; that finally they were terminated with effect from 18-12-1985; that action of the bank in terminating their services both times were arbitrary and amounts to victimisation as they demanded legal benefits avail-

able to them; that work of sweeping and cleaning the premises of the bank is of a permanent nature and the work is incidental to the work of the bank; that they were not given appointment letters by the bank. That they had joined Self Employed Women's Association in 1984 and the SEWA has written a letter to the bank demanding the benefit that the work of sweeping and cleaning the premises of the bank is a permanent nature and the work is incidental to the work of the bank; that they were not given appointment letters by the bank. That they had joined Self Employed Women's Association in 1984 and the SEWA had written a letter to the bank demanding benefits which were being paid to the permanent subordinate staff of the bank. But because of the demand the women workers were drawn out of employment. That the women workers of the SEWA tried to meet the management of bank and had tried to settle the dispute, but the management of the bank was adamant and the dispute could not be settled and so the Association had filed a complaint before the Government Labour Officer (Central) and this reference has been referred to this Tribunal for adjudication; that family workers are entitled to get benefit as per the provisions of the Shastri Award; that they were engaged through the Contractor Shri Bengaliram on ad hoc basis and on a temporary measure is not proper because during the period of 4 years the management of the bank did not make efforts for calling names from Employment Exchange. The Bank has not produced necessary records to prove the contention of the bank that the officers of the bank had resorted to unfair labour practice and had managed to engage female workers through Shri Bengaliram and exploited them without paying their legal dues. In support of their contention she has cited case law as published in 1972 Labour and Industrial cases at page 864 Calico Mills versus . She has also cited case as published in 32 Gujarat Law Reporter, 1991 Volume 11 page 1354.

7. Shri P. G. Desai appearing for the first party Dena Bank has submitted before me that this reference is legally not tenable as the said Bengaliram is not been a party to this reference. That the women workers were employed by the said Contractor Shri Bengaliram and they were paid by Shri Bengaliram and they were doing the work as they assigned to them by Shri Bengaliram; that they were employed by Shri Bengaliram and payment was also made by Shri Bengaliram and supervision was also carried out by Shri Bengaliram and so they were employees of the Bengaliram and not of the bank; that they were not given appointment letters/orders and their names were never submitted by Employment Exchange. That they are not covered under the definition of 'workman' under S. 2s of the I.D. Act, 1947. That the bank has not terminated their services. The Bank has stopped giving work to them as per the witness of the bank who is deposed at Ex. 59. The female workers were working before 11 hrs. in the morning. They were not working for more than 4 hrs. That there is no relationship of employer—employee between the first party bank and second party workmen. In the recovery application filed by the workers against the bank the said Bengaliram has joined as a party, but in this reference he has not been joined

as party. So the reference is, legally not tenable as they were not workers of the bank. The question of terminating their services did not arise, though the work of sweeping and cleaning the premises of the bank cannot be done during banking hours and that the officers of the bank did not come to the bank between 8 to 11 a.m. and they were engaged by the contractor for part-time work; that they cannot be treated as employees of the bank; though as per the order of the Hon'ble High Court of Gujarat they were asked to retain as part-time workers; that as per the provisions of the Shastri Award subordinate staff can be appointed by seeking names from the Employment Exchange only; that they do not have their names as prescribed for appointment of subordinate staff. Their names were never in the muster roll of the bank; that the bank cannot be directed to reinstate them; that the workers of the SEWA i.e. Self Employed Women's Association had met Bengaliram and not officers of the bank. In support of his contention Shri Desai has cited a case law as published in 1992 1 L.L.J. page 289 between Deenath and Others versus National Fertilisers Limited and Others and that the reference be dismissed.

8. The concerned 11 women workers as shown in the list appears in the terms of reference Ex. 13 are working with Dena Bank since 1-1-1982 as per their deposition. They were doing the work of sweeping the premises of Dena Laxmi Building and were also cleaning toilets, urinals and floors of each and every storey and premises of Dena Laxmi Building situated near the Dipali Cinema Ashram Road, Ahmedabad. As per their deposition at Exs. 9, 10 and 24 they were doing sweeping and cleaning work of Dena Bank Building which has 10 floors which is situated at Ashram Road, Ahmedabad. The work which they are required to be carried out is mentioned in the letter No. ZO/HP/MT/197/83 dated 10-1-1983 and which is signed by Asstt. General Manager, Gujarat Zone. It is addressed to one Shri Bengaliram who is residing at Kankaria, Ahmedabad. The said letter is produced at list Ex. 11/6.

9. It is a fact that they were employed during through the so-called contractor Shri Bengaliram. The concerned workers were doing the work of sweeping and cleaning the premises of Dena Laxmi Building situated at Ashram Road, Ahmedabad. The Dena Bank is a nationalised bank of the Govt. of India. Shri D. S. Vasavada, appearing for the second party SEWA has produced the gazette of Govt. of India at Ex. 77/1. The said gazette and notification has been published by the Ministry of Labour, Govt. of India on 9th December, 1976. The said notification is as under :

"In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970) the Central Govt. after consultation with the Central Advisory Contract Labour Board, hereby prohibits employment of contract labour on and from the 1st March, 1977, for sweeping cleaning, dusting and watching of buildings owned or occupied by establishments in respect of which the appropriate Government under

the said Act of the Central Government.

Provided that the notification shall not apply to the outside cleaning and other maintenance operations of multistoreyed buildings where such cleaning or maintenance operations cannot be carried out except with specified experience.

Regarding the Dena Bank, Central Govt. is the appropriate Government under the said Act. This reference is also made by the Desk Officer, Ministry of Labour, Govt. of India. The so-called contract of sweeping and cleaning of Dena Bank Building was given by the Asstt. General Manager, Dena Bank, Gujarat Zone, Ahmedabad. It is pertinent to note that the first party bank has produced documentary evidence vide list Ex. 11. The documents produced by the bank vide Ex. 11 are of the year 1978 and 1979 and by the said circulars the bank authorities were instructed by the General Manager, Zonal Office, Dena Bank, Bombay regarding the recruitment of subordinate staff. In spite of notification of the Ministry of Labour, Govt. of India, prohibiting the employment of Contract labour for the work of sweeping and cleaning of the bank building and premises, the Asstt. General Manager, Gujarat Zone, Dena Bank, Ahmedabad had given contract of one Shri Bengaliram. The said contract is in violation of the notification issued by the Govt. of India. In view of the notification of Govt. of India prohibiting contract being given for the work of sweeping and cleaning Dena Bank building, the concerned female workmen are the workmen of the bank. As the concerned female workmen were doing the work of sweeping and cleaning the premises and toilets and urinals of Dena Bank Building, I come to the conclusion that the concerned workmen are the workmen of the first party Dena Bank. The work of the sweeping and cleaning of the bank building is incidental work of the bank and so they are workmen of the bank. The contention of the bank that as an adhoc manner, the concerned workmen were employed purely on temporary basis. The bank has not produced any correspondence or letter written to the employment exchange even though they were employed for a considerable period of 2 years. So I do not agree with the contention of the bank; that the concerned workmen were employed on a adhoc basis and on temporary basis.

10. By list Ex. 11 the first party Dena Bank has produced documentary evidence in the form of letters and circulars from the head office of Dena Bank, Bombay addressed to Asstt. General Manager/Regional Manager, Ahmedabad. In the aforesaid letters/circulars, the head office of Dena Bank, Bombay has issued instructions regarding the recruitment of subordinate staff. The said letters which have been produced by Ex. 11/1 is dated 30th October, 1978. The letter Ex. 11/2 is dated 29th August, 1979, the letter Ex. 11/3 is dated 24th September, 1979. The letter Ex. 11/4 is dated 6th January 1982 and letter Ex. 11/7 is dated 22nd February, 1984. The head office of Dena Bank, Bombay had instructed the Regional office at Ahmedabad regarding the recruitment of subordinate staff very specifically. So it is not understood why inspite of the specific instructions given by the Head office

of Dena Bank by the Regional Office of Dena Bank had given contract of sweeping, cleaning of Dena Bank Building to Shri Bengaliram of Ahmedabad. The contract of sweeping and cleaning of Dena Laxmi Building is given by the letter No. ZAO[MP|MP|197|83 dated 10th January, 1983. This contract is given in violation of specific instructions given by the Govt. of India and thereafter by the Head Office of Dena Bank, Bombay. The first party Dena Bank is a Nationalised Bank being institution of Public Sector and for which the appropriate Govt. is Govt. of India. They are bank imposed by the Govt. of India and it is issued to the Dena Bank, Ahmedabad directly. It is also pertinent to refer to the office memo written by the Desk Officer, Shri M. K. Verma to the Ministry of Finance. The xerox copy of which is produced at Ex. 11/16 by the bank. The memo is dated 29th August, 1986. It is observed in para 2 as under: "The undersigned is directed to forward herewith the copy of aforesaid report No. AD1/1/32/86 dated 20-7-1986 received from the Asstt. Labour Commissioner (Central), Ahmedabad. It has been reported that 11 women workmen as shown in the Annexure worked in the Dena Bank, Ashram Road, Navrangpura, Ahmedabad as sweepers during 1-1-1982 to 10-10-1984 and thereafter their services were terminated. During the period they worked in the bank they had completed 240 days of actual work in a period of 12 months or at least which entitled them the benefits of Section 25 of the I.D. Act, 1947 which were denied to them. In the light of the Supreme Court's decision in the case of Sundermany. These women workmen were also eligible for regular absorption in Bank's service. After terminating service of these women workmen the bank engaged fresh hands but did not consider these women workmen for further employment which is in violation of provisions of the Section 25H of the I.D. Act. In view of the decision explained above it is felt that the bank's action in terminating the services of the above-mentioned women workmen were not justified it is therefore proposed to refer the dispute to the Industrial Tribunal for adjudication under the following terms of reference.

"Whether the action of the management of Dena Bank, Zonal Office, Ashram Road, Ahmedabad in terminating services of 11 women workmen as shown in the enclosed list and engaging new employees in their place is justified? If not what relief the women workmen are entitled?"

11. The Ministry of finance are requested to consider the matter and indicate their views within a period of 60 days of the receipt of this office memorandum hereunder which will be presumed that there is no objection to the reference of the dispute to the Industrial Tribunal for adjudication, even though the office was signed by the Desk Officer of the Ministry of Labour, the Ministry of finance has not replied in 60 days and this reference is referred to this Tribunal for adjudication.

12. It is also pertinent to refer to the failure reported dated 20th July, 1986 signed by Asstt. Labour

Commissioner (Central), Ahmedabad, In para 2 of the report it is observed as under :

"Notices were sent to the management and they were called for discussions. The management raised a preliminary objection for the demand raised by the Association. According to the instructions and circulars issued by the Govt. of India as well as by the Head Office of the bank, the bank cannot recruit any subordinate staff without fulfilling the norms and procedures prescribed for the same in the said circulars. Since the said workmen have not complied with the said norms and eligibility they cannot be employed by the bank. They have further stated that service contract was given to Shri Bengaliram and said contract is made for employing the said persons and there is no master and servant relations between the said 11 women workmen and the Bank. They further stated that the said female workmen were not employed by the bank. Therefore they cannot be considered as industrial dispute between the bank and said workmen. The bank has not terminated the services of the 11 female workers nor the bank has any supervision or control over the said 11 workers. They might have employed by the contractor. It is further stated that the wages were paid by the contractor. Therefore, the bank has not employed them and therefore the power of the said female workmen as against the bank is vague and illegal and not maintainable. In the last the management has stated that the said Association wrote a letter to the bank of sweeping of the Central Office premises was over or turned down. The Association has raised a false demand just to harass the bank and to pressurise the management to accept their contract. Therefore the bank requested that the dispute should not be entertained under the I.D. Act, 1947. The management after submitting their comments dtd. 10-5-86 as per annexure C to the last hearing held between the parties.

13. The workers also submitted reply - Annexure D. The copy of which was posted to the management. The workers representative submitted a copy of Govt. of India Notification No. SO119(3) dtd. 9-12-76 in which Govt. of India has prohibited employment of Contract Labour for sweeping, cleaning, dusting or watching of building owned or occupied by the establishment in respect of which the appropriate government under the Contract Labour (Regulation & Abolition Act) The Central Government according to this stated that the contract rendered by the bank to Bengaliram for cleaning and sweeping of the building of the bank is illegal and unjustified. The copy of the said notification was given to the representative of the bank. In view of the said notification they argued that the bank should be asked to cancel the contract

through Bengaliram immediately and they further suggest that the Association of female by name Sundariya Safari Utkarash Mahila Co-op. Mandel may be given contract and the employees who have removed by Shri Bengaliram are its members. They further argued that the demand in the case of Hussainabhai V. Alath Factory Tezhilali Union published in A.I.R. 1978 at page 1410. Justice Krishna Iyer in that judgement has clearly laid down that the work taken up for through some agency has direct relationship with the principal employer and therefore the workmen who have been removed by the contract had direct relationship with the bank. The bank should reinstate them with full back wages and benefits. They further gave certain decision in this regard. The bank representative after hearing the representative of the workman stated that they have already submitted their reply and they have nothing further to state in the matter. It is suggested that the parties to the dispute be referred to the arbitrator u/s 19A of the I.D. Act. The representative of the bank did not agree whereas the representative of the Association was agreeable for both the proposals.

21. The concerned women workers who have examined at Exs. 4, 10 & 24 have deposed as under :

That she is working with Dena Bank from 1-1-1982; that she was taken up for cleaning work that her working hours were from 8 a.m. to 4 p.m. In the beginning she was paid Rs. 8/- per day. Thereafter it was raised to Rs. 12/- per day; that she had worked in the bank upto 18-4-86; that the bank's building is having 8 storeys that she was required to work on 4th storey; that she was required to clean windows and doors, tables and chairs, floors, toilets and urinals etc.; that she was also required to clean and sweep the premises where cars of the officers were kept and she was also required to clean the garden. That other 10 women workers were working with her; that she had joined SEWA from 1-1-84, that she was working on each and every working day in a month. Which work is to be done by them was shown by bank officers to Bengaliram who was a contractor and Bengaliram used to deny work to them; that she was paid through Bengaliram, but no pay slip was given; that she had complained in SEWA that her pay is very less. Two social workers from SEWA Indireaben and Kokilaben had visited the bank. Thereafter daily wages were raised from 8 to 12. After they joined SEWA their services were terminated by the bank; that all the 12 women workmen were discharged; that they had filed complaint in SEWA. After filing the complaint they were again taken up on work, but after 2 to 3 months they were again discharged from 18-4-85; that she had not given any notice or notice pay; that she is member



of Saundarya Safai Utkarash Mahila Co-op. Mandali Ltd.; that after her discharge she had made efforts to get alternative employment, but she could not get any employment that she had registered her name in the Employment Exchange; she is also given card by the Employment Exchange office; that she had worked continuously in the bank from the date of her joining till the date of her discharge. It is not true that her work was of not any permanent nature; her work was not proper and upto the norms as required by the bank, they were again asked to do the work. In the cross-examination she has stated that she knows Bengaliram; that she was given work in bank through Bengaliram; that she was working on 4th storey; that she was working from 1-1-82. It is not true that on 1-1-82 4th storey was not constructed; that whatever work she was doing was doing as per the instruction of Bengaliram and officers of the bank; that she was asked to do the work at the bank by the officers of the bank and clerks and peons of the bank; that no particular officer was giving instruction to her regarding her work. It is true that she was paid by Bengaliram. Hence she was doing work in the bank from 8 a.m. to 4 p.m. It is true that she was not given any appointment letter/order by the bank. It is also true that she was paid by Bengaliram her signature was not obtained in any register of the bank; that she was told on 10-10-84 not to work in the bank; that she was told by Bengaliram to go to work any other place than the bank. Till then she would not have gone to any other place for doing the work because till the bank is working she would like to work with the bank. It is not true that she was not doing the work of the bank. She is not having any documentary evidence to show that for how many days she would have worked with the bank. In the beginning when she was employed her signature was taken. Thereafter her signature was not taken in any record. That the officers of the bank were being complaint regarding her work to Bengaliram. If the contract was not present then she was called directly by the officers of the bank and her attention was drawn to the work. It is not true that she has not given any application in writing to the bank till 10-10-84; that she had worked 240 days in each and every year, but she is not having any documentary evidence. The witness of the bank, Shri George Hector who is deposed at Ex 59 has deposed as under—

“That he is Manager (Personel) in this bank; that he is also looking after the service matter in the bank; he is working in this bank since 1984; that he is aware of the

agreement between one Mr. Bengaliram and bank in respect of sweeping and cleaning bank premises i.e. Dena Bank Laxmi Building. Shri Bengaliram used to engage between 10 to 12 workmen for this cleaning work. The timing for cleaning premises of the bank were before office hours i.e. before 11 a.m. on all working days. The xerox copy of the letter written by the bank dtd. 10-1-1983 to Bengaliram is shown to him; that the terms and conditions have been laid down for this work in the said letter. The said letter has been signed by the Asstt. Gen. Manager Shri S. R. Trivedi.; that she knows and recognises his signature; that she is by now retired. The ladies who were engaged by Bengaliram under the control and supervision were working under the supervision of the bank officers. The supervision was done by Bengaliram. The bank used to pay to them directly. The bank was also not given the appointment orders for these ladies. There was only one security register for entering the premises of the bank. The names of those labourers who were engaged by Bengaliram were not at the regular register of the bank. The bank had not engaged them directly, but arrangement was made through Bengaliram under an agreement as mentioned above. Whenever there was some difficulty regarding the said work the bank would inform Bengaliram and not to ladies directly. The bank had received notice from the Labour Enforcement officer informing that contract for cleaning and sweeping be abolished and therefore the same was discontinued further. That the ladies were working before office hours and there is no record to show it. One cannot say how many hours they were working. The bank has also not record as to how many days these ladies worked; that the officers of the bank knew as to how many ladies were working under Bengaliram. Bengaliram used to come to bank daily. It is shown at Ex. 11/17. It is a letter dtd. 17-8-89 written by the Dy. General Manager to Bengaliram. It is in respect of termination of the agreement with one month's notice: that today they have to send intent to Employment Exchange and have to ask them to call the names of persons furnishing the names. Thereafter bank used to take interview and thereafter used to give appointments. Now they cannot recruit from the market directly. In the cross-examination he has stated that he is Manager (Personnel) and working at Gandhinagar Regional Office of Dena Bank, Ahmedabad. Prior to this posting he was Manager (Personnel), Dena Bank Gen. Manager's Office Gujarat, Ahmedabad. He was appointed



in the year 1984. His appointment letter was signed AGM (Personnel) He is B.A. & Master in Labour Welfare.; that he was required to handle several matters. He used to deal with permanent staff and that he is conversant with labour laws; that he is no aware about the bank on employing workers on contract; that his bank is covered under Employment Exchange Act and his bank is a nationalised bank; that for recruitment of subordinate staff they are required to recruit through employment exchange only; that he followed the procedure; that his office is not required to directly recruit all the subordinate staff; his recruitment is made at Regional office level that for cleaning purpose they had given a contract to one Mr. Bengali-ram; that this contract for cleaning purpose was given by the bank before his appointment; that he is aware of the terms and conditions of the contract; that it has 12 women workmen employed by the contractor; that now the contract is terminated; that no representative of the bank used to remain present when the contractor used to disburse the payment to the workers. They are on the basis of the quantum of work. The amount to be paid to the contractor was fixed to the contract itself. In 1983 when the bank had received complaint from SEWA, they had called SEWA people for meeting that he does not know as to how many women were working. As their work was satisfactory; that he does not know the exact time when female workers were attending work; they used to come before hours that workmen used to allow women workers to enter the bank. Every branches of Dena Bank had employed cleaners and sweepers; that there is settlement at national level on industry level; that as they were not in employment with the bank this question does not arise. Hon'ble High Court has passed following order in special SCA No. 2005 of 1987 on 16-8-87 Rule. Interim relief not to recruit and appoint candidate already selected by the bank other than the petitioner till further orders. The industrial Court go ahead with the proceedings and disposed of the same at an early date.

22. The concerned female workmen have in their deposition stated that they were working with the bank since 1-1-1982. The contract was given by the bank to Bengali-ram date. 10-1-83. The bank has not examined Shri Bengali-ram to whom the contract was given. The witness of the bank Shri George who is examined at Ex. 59 has no personal knowledge about the hours for which the concerned workmen used to work. The work of the concerned workmen were satisfactory and there was no complaint 2570 GI/94—8.

regarding their work. The case law cited by Shri Desai is not applicable to the facts of this case because the facts of this case are different from the facts of the case cited by Shri Desai. The case of this reference is different in the sense that Govt. of India has imposed ban in giving contract work by sweeping and cleaning of the Public Distribution cell of the first party Dena Bank. In view of the said circumstances of the case and the concerned workman were working since 1983 and that they are still being continued by the bank. As per the order of Hon'ble Gujarat High Court, I come to the conclusion that they should be retained in service of the bank they till reach superannuation age by regulating their services as they are working since 1983. They be paid wages as per the pay scale fixed for sweepers and cleaners engaged by the bank in various branches of the bank situated at various places. In view of the above observation I pass the following order.

### ORDER

The reference is allowed. The bank is directed to regularise the services of the concerned 11 women workers. The bank is also directed to pay them wages as if being paid to sweepers and cleaners in other branches of the bank with effect from 1-1-1983. The first party is also directed to pay the difference between the amount which were payable to them and the amount actually paid to them. This award is to come into effect within 30 days from the date on which it will be published by the Govt. of India. No order as to cost.  
SECRETARY.

Ahmedabad.

10th October, 1994.

A. B. PATEL, Industrial Tribunal, Ahmedabad

नई दिल्ली, 2 नवम्बर, 1994

का.अ. 3346—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबंध निर्योक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, धनवाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-94 को प्राप्त हुआ था।

[संख्याएल-12012/103/91-आर्वायर (बी-2)]

बी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 2nd November, 1994

S.O. 3346.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 2-11-1994.

[No. L-12012/103/91-IR (B.II)]

V. K. SHARMA, Desk Officer.

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d)  
of the Industrial Disputes Act, 1947

Reference No. 64 of 1991

PARTIES :

Employers in relation to the management of  
Central Bank of India.

AND

Their Workmen.

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers.—Shri S. Pal, Advocate.

For the Workmen.—None.

STATE : Bihar INDUSTRY : Banking

Dated, the 20th October, 1994

AWARD

By Order No. L-12012/103/91-I.R. (B-2), dated 17-6-1991 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action taken by the management of Central Bank of India in discontinuing Smt. K. Malegamwala from officiating on the post of Telex Operator on the ground that she is debarred from officiating for one year, due to her refusal to accept the post of Cashier Category ‘E’ is justified? If not, to what relief is the workman entitled?”

2. The order of reference was received in this Tribunal on 25-6-1991. After notice the parties filed their respective written statements.

3. Thereafter a petition was filed by Sri Nitya Ranjan Basu, who was authorised by the President of the sponsoring Union as its representative to pursue the reference, praying therein to drop the dispute in the instant case. Since from that petition it was not clear as to whether Sri Basu did not wish to contest or whether it was the decision of the sponsoring Union, a notice was issued in the name of Sri B. B. Das, President of the Central Bank of India Employees Union (Bihar) as his address of Central Bank of India, near Dak Bungla Road, Patna, enclosing a photo copy of that application and calling upon him to clarify as to whether that was a decision of the sponsoring Union. But the registered letter was returned un-served with the postal remark—“ES NAM KA KOI ADMI NAHI HAI.”

4. It appears that the sponsoring Union is not interested in pursuing this reference case as none other is presenting himself on behalf of the sponsoring Union.

5. Therefore, I render a ‘no dispute’ award in the present reference case.

P. K. SINHA, Presiding Officer

नई दिल्ली, 2 नवम्बर, 1994

का.अ. 3347—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैंगनीज और (इंडिया) लिमिटेड, नागपुर (एम एस) के प्रबंधन के संवद नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कम लेबर कोर्ट, जबलपुर (एम पी) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-94 को प्राप्त हुआ था।

[संख्या एल-27012/4/88-डी 3(बी)]  
बी.एम डेविड, डेस्क अधिकारी

New Delhi, the 2nd November, 1994

S.O. 3347.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mangane Ore (India) Ltd., Nagpur (MS) and their workmen, which was received by the Central Government on 2-11-1994.

[No. L-27012/4/88-D.III(B)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(31)/1989

BETWEEN

Shri Alimuddin S/o. Hamiduddin, Dozer Operator represented through the Rashtriya Mangane Mazdoor Sangh, Nagpur.

AND

Management of Mangane Ore (India) Ltd., Nagpur (MS).

PRESENT :

Shri Arvind Kumar Awasthy, Presiding Officer.

APPEARANCES :

For Workman.—Shri S. K. Rao, Advocate.

For Management.—Shri A. K. Shasi, Advocate.

INDUSTRY : Mangane Ore

DISTRICT : Nagpur (MS)

## AWARD

नई दिल्ली, 2 नवम्बर, 1994

Dated, the 30th September, 1994

In exercise of the powers conferred by Clause (d) of sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government in the Ministry of Labour has referred the following matter of dispute to this Tribunal for adjudication vide Notification No. L-27012/4/88-D.III(B) dated 27-1-1989 :

## MATTER OF DISPUTE

"Whether the action of the management of M/s. Manganese Ore (India) Ltd. in dismissing Shri Alimuddin S/o. Hamiduddin, Dozer Operator in Dongri Buzurg Manganese Mines vide their order dated 5-11-87 is justified. If not, what relief the workman is entitled to?"

2. Workman and the management filed a compromise. Compromise is just and proper and it is accepted. Following are the terms of settlement between the parties :—

## TERMS OF SETTLEMENT

1. The Management agrees to reinstate Shri Alimuddin S/o Hamiduddin as E.B.D. Driver Grade II in the Company. He should resume duty within 30 days from the date of this settlement.
2. However, on his reinstatement, Shri Alimuddin will not be paid any back wages or any other benefits from his date of dismissal i.e. 5-11-1987 till his date of reinstatement, excepting continuity of service. The interregnum would be treated as dies-non and Shri Alimuddin will not claim any benefits for this period.
3. On reinstatement, his pay will be fixed at the appropriate incremental stage in the revised pay scale applicable to E.B.D. Driver Grade II keeping in view his last drawn pay at Dongri Buzurg.
4. On reinstatement, the Management will post Shri Alimuddin in any Mine other than Dongri Buzurg of the company.

3. In view of the aforesaid terms of settlement dated 5-3-1992 prayer of the parties to pass no dispute award is accepted. No dispute award is hereby passed and parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer.  
2570 GI/94—9.

का.प्रा. 3348.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आर.एम.एस., बंगलूर सॉर्टिंग डिस्ट्रिक्शन, बंगलूर के प्रबंधन के संवद निर्यातकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-94 को प्राप्त हुआ था।

[संख्या एल-40012/38/91-आईआर (डी यू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 2nd November, 1994

S.O. 3348.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of R.M.S. Bangalore Sorting Division, Bangalore and their workmen, which was received by the Central Government on 2-11-1994.

[No. I-40012/38/91-IR (DU)]

K. V. B. UNNY, Desk Officer.

## ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT.  
BANGALORE

Dated, this 26th day of October, 1994

PRESENT :

Sri M. B. Vishwanath, B.Sc., BL, Presiding  
Officer.

Central Reference No. 63/91

## I PARTY :

A. Sathyanarayana Rao,  
C/o. Manjunath,  
No. 5, 15th Cross,  
Right Site,  
'Shruthi Nilaya',  
Magadi Road,  
Bangalore-560 023.

(By Sri M. S. Anandaramu, Advocate).

V/s.

## II PARTY

The Sr. Superintendent,  
R.M.S. Bangalore Sorting Division,  
Bangalore-560 020.

(By Sri M. C. Ravikumar, Advocate).

## AWARD

नई दिल्ली, 7 नवम्बर, 1994

In this reference made by the Hon'ble Central Govt. by its order No. L-40012/38/91-IR (DU) dated 27-9-1991 under Section 10(2A)(1)(d) of the I.D. Act the point for adjudication as per schedule to reference is :—

"Whether the action on the part of Sr. Superintendent, R.M.S. Department of Posts, Bangalore Sorting Division, Bangalore in removing the services of Shri A. Sathyanarayana Rao, Ex. Mailman for alleged misconduct is justified? If not, what relief the workman concerned entitled to?"

2. It is not necessary in this particular case to set out pleadings.

3. This Tribunal by its considered order dated 3-2-1993 has set aside the D.E. held against the I party workman.

4. This Tribunal by its considered order dated 24-8-1994 has not permitted the II party to adduce further evidence and prove the misconduct alleged against the I party. This order has been passed by this Tribunal on the strength of the law laid down by our Hon'ble High Court in 1992 Lab. I.C. 1870 (K.S.R.T.C. Vs. Basanogouda).

5. Now where does the matter stand?

6. The II party is not permitted to prove the misconducted alleged against the I party workman. The D.E. has been set aside.

7. It has been observed by the Learned Author O. P. Malhotra in the Law of Industrial Disputes, Fourth Edition, Vol. 2, at page 879 that "if the domestic enquiry is held to be vitiated in industrial adjudication, the action of punishment based on such inquiry will automatically fall."

8. For the aforesaid reasons, the Tribunal is left with Hobson's choice. The Tribunal is bound to order reinstatement of I party workman. The I party workman has been removed from service w.e.f. 26-3-1987. He has not worked since then. I am of opinion that 50 per cent of back wages will meet the ends of justice.

## ORDER

II party is directed to reinstate the I party workman forthwith the continuity of service. II party shall pay to I party workman 50 per cent of the back wages w.e.f. 26-3-1987. Reference accepted as stated herein. Award passed accordingly. Submit to Government.

(Dictated to Stenographer, typed by him, corrected, signed by me on this 26th day of October, 1994).

M. B. VISHWANATH, Presiding Officer

का.आ. 3349—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, टाटा आयरन एंड स्टील कम्पनी लिमि. की वेस्ट बोकारो कोलियरी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनब्रंश में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-94 को प्राप्त हुआ था।

[संख्या एल-20012/191/90-आईआर (कोल-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 7th November, 1994

S.O. 3349.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. 1), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of West Bokaro Colliery of M/s. Tata & Steel Company Ltd. and their workmen, which was received by the Central Government on the 2-11-94.

[No. L-20012/191/90-IR(Coal-1)]

BRAJ MOHAN, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1) AT DHANBAD  
PRESENT: —

Shri P. K. Sinha, Presiding Officer.

In the matter of an industrial dispute under section 10(1)(d) of the I. D. Act, 1947.  
Reference No. 178 of 1990

## PARTIES :

Employers in relation to the management of West Bokaro Colliery of M/s. Tata Iron & Steel Company Ltd., P.O. Ghatotand, Dist. Hazaribagh

## AND

Their workmen

## APPEARANCE :—

On behalf of the workmen.—Shr J. P. Singh, Advocate.

On behalf of the employers.—Shri B. Johsi, Advocate.

STATE.—Bihar.

INDUSTRY.—Coal.

Dated, Dhanbad, the 21st October, 1994

## AWARD

The Government of India, in the Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has

referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(191)/90-I.R.(Coal-I), dated the 22nd August, 1990.

### SCHEDULE

"Whether the dismissal of Sri Hira Singh, an Ex-Piontsman w.e.f. 24-4-89 by the management of the West Bokaro Colliery of TISCO Ltd., P.O. Ghatotand, Distt. Mazari-bagh is legal and justified ? If not, to what relief the workman concerned is entitled to ?"

2. Following is the reproduction of the chargesheet dt. 20-12-88 (Ext. M-1) issued to the workman Sri Hira Singh :

"On 25-10-88 at about 10.40 p.m. Sri Ajay Singh, Security Guard who was on duty at Director's Bungalow noticed that you along with an outsider Sri Laxman Singh were carrying some heavy materials kept in gunny bag in suspicious manner near the North-East end of Director's Bungalow adjoining the main road. Sri Ajay Singh took the help of Sri S. P. Singh, Security Guard who was on his way to Central Stores and chased both of you. On seeing the Security Guards, you along with Sri Laxman Singh started running towards the road leading to Administrative Building. After a chase of about 20—25 yards the above Security Guards apprehended both of you and caught you red handed along with the gunny bags. Sri Ajay Singh got the gunny bags opened and found that the bags were full of copper Trolley Wire pieces weighing about 45 Kgs amounting to Rs. 3200/- approximately which belonged to Underground mine. Thereafter, a preliminary enquiry was conducted and you confessed that the above materials belonging to the Company were stolen from the Underground mine by you.

You are hereby charged for theft of Company's property."

3. From Ext. M-2, which is the reply of the concerned workman to the chargesheet, it will appear that he had denied the allegation stating therein that the Security Guard Ajay Singh had taken from him Rs. 2000/- as loan some two years back but did not return that back despite reminders. Ultimately, he had called him, on the date of alleged occurrence, at his residence where the workman went with a friend, but was told by the family members of Ajay Singh that the Security Guard wanted them to come to the place of his duty. It was alleged that Sri Ajay Singh with the help of another Security Guard caught hold of him and falsely alleged about the theft of property of the Company. Next day the workman was sent to Police Station where a criminal case was instituted, relating to the theft of the copper wire pieces.

4. Not satisfied with the explanation, a domestic enquiry was held. It will appear from the order dated 24-6-92 that in course of argument on the preliminary issue relating to the fairness and propriety of the domestic enquiry, the learned counsel for the workman concerned on that point and the learned predecessor also held that the domestic enquiry was fair and proper.

5. On behalf of the workman written statement was submitted. Para-13 of the written statement is important in which it was admitted that "Copper Wire was caught on the surface near the Director's bungalow" which was not the place of work. It has been averred that the only evidence relating the Copper wire to the Company was the alleged confession of the workman. It has been pointed that even in his statement, Hira Singh had admitted only that he had found two bags of copper wire concealed in a bush near the Director's bungalow which he had removed to another bush and then came with Laxman Singh to take those bags away. It has been argued that as per the confession, the copper wire were actually stolen by someone else. It has been claimed here that the Copper wire found in the bags have not been properly identified to be the property of the company.

6. In reply the management submitted its written statement justifying its action, alleging that the workman was caught red handed taking away the property of the company. It has been mentioned that there was evidence on the record to show that the copper wires were of special type used in the trolley inside the mines of the management. The wire missing from the underground was, in the night intervening between 25th and 26th October, 1988 recovered from the concerned workman within the premises of the colliery. It has been submitted that the workman had access to the copper wire and was in a position to remove the same. The workman was found with the stolen property at about 10.45 P.M. whereas his duty hour had ended that day at P.M. The other contentions of the workman have also been contradicted in this Written statement.

7. The points for consideration are, firstly whether or not the management by its evidence has proved its charge against the workman in the domestic enquiry and, secondly, if so, then whether the punishment of dismissal was just and proper.

8. From the record of the domestic enquiry it will appear that the workman had participated in the domestic enquiry. The ordersheet and evidence of witnesses recorded by the Enquiry Officer have been marked Ext. 4. It will now discuss the evidence of the management's witnesses. It will appear that one Shri S. K. Singh, Engineer, was the management's representative who gave his statement first. He said that on 22-10-88 they had stacked about 100 feet of Copper Trolley wire (pieces) inside the mine which were taken out from the horizon drift and which were to be laid in 4 C underground district. Other persons were also with him on that day. On 26-10-88 when he went there he found

that most of the Copper Trolley wire was missing. He reported the matter to the Chief Security Officer on telephone, as well in writing, about the theft of the Copper Wire, weighing approximately about 50 Kg, valued at Rs. 3400/-. Later he came to know that on the previous night Hira Singh was caught red handed with the aforesaid trolley wire. Then the management's representative went on to describe about the incidence in which the proceedee was caught red handed with the wire near the Director's bungalow as this witness had heard from others. He said that he was also informed that Hira Singh had confessed his guilt. This officer got certain documents marked exhibits including the FIR lodged against the proceedee. He also filed copy of the statement recorded during the preliminary enquiry in which statement of witnesses as also of Hira Singh, were recorded. The Enquiry Officer marked these statements as exhibits and showed them to the proceedee for his inspection. The proceedee had refused to cross-examine Shri S. K. Singh.

9. The management's Ext. III and Ext. VI contain the statement of Hira Singh recorded on 25-10-88 in the Administrative Building by an official, Shri K. P. Singh. Ext. III is the copy of Ext. VI. From this statement it will appear that on that day he had engaged one coolie, Laxman, for carrying some materials and took him near the underground where in a bush he had hidden copper in the bag. In this statement the proceedee had admitted that he had found the property kept nearby which he had hidden in a bush. The proceedee identified that the copper wire kept in two bags was used in the line of the Trolley. He further confessed that when he reached near the Director's Bungalow with Laxman, Security Guards A. Singh and Suresh Prasad Singh caught hold of them by chasing them. Copper was weighed in his presence which came to 45 Kgs. This appears to have been signed by Shri Hira Singh.

10. The next witness was Shri K. P. Singh, the Security Officer in the West Bokaro Colliery. According to him, at about 10.50 P.M. he was informed at the Security Control room that Hira Singh had been caught red handed with a bag containing copper wire, by the Security Guards. He was also informed that Hira Singh with the stolen property had been taken to the Administrative Building for preliminary enquiry. Then he also reached there and saw the proceedee with Laxman Singh and a gunny bag containing copper wire. According to him the preliminary enquiry was conducted in which Hira Singh had admitted his guilt. The statement of Security Guards were also recorded. He also said then the copper wire was weighed and was found to be 45 Kgs. Hira Singh declined to cross-examine this witness also.

11. The next witness was Shri Surendra Kumar, Engineer. He has supported the statement of Shri S. K. Singh about keeping of the copper wire in the underground and the discovery on 26-10-88 that most of the copper wire so kept was missing. He also was not cross-examined.

12. The next witness was Shri Rakesh Kumar, Security Officer. He also has said about receiving information that very night about apprehending Hira Singh with the stolen property. He also reached there and identified Hira Singh, an employee of the company and one Laxman Singh, a private porter at the local bus stand. He also said about the recording of statement of the witnesses including of Shri Hira Singh, by Shri K. P. Singh.

13. The management's witness No. 4 was Shri Sanat Kumar Roy, Electrical Supervisor. He also deposed about keeping of the copper wire on 22-10-88 as also the fact that most of it was found missing on 22-10-88.

14. Management's next witness is Shri Ajay Singh who has fully supported the allegation of the management and has described as to how the challenged Hira Singh and Laxman Singh with the help of Suresh Singh and how he apprehended Hira Singh with the stolen property. He also had supported the recording of statement in the Administrative Building in the same night. He also submitted that Hira Singh has confessed his guilt. This witness was asked two questions by the proceedee. The proceedee asked him as to why he was taken to the Administrative Building, instead of being handed over to the Police. The witness replied that he had taken the proceedee there because telephone was available in the administrative building with help of which he had informed the Control room and his superior officer.

15. MW-6 was Shri Suresh Pd. Singh another Security Guard who fully supported the statement of MW-5 Ajay Singh on all material points. This witness also was not cross-examined.

16. After conclusion of the evidence, Hira Singh when asked to give his statement, submitted his typed statement in four pages in which he had almost reiterated the stand taken by him in his explanation to the chargesheet as already mentioned. This witness was extensively cross-examined by the management, mainly on the point of his allegation of giving loan to Ajay Singh for his daughter's marriage. He admitted that Ajay Singh was not his friend but was only known to him. He also has shown ignorance about the family members of Ajay Singh, particularly about his children in reply to question No. 6 and question No. 17. Here he said that he did not know about him in details or that he could not say as to how many daughters Ajay Singh had. He had also admitted that he had no proof that he had given Rs. 2000/- to Shri Ajay Singh. In reply to question No. 15 he said that he had not told any one about the non-payment of money by Ajay Singh. Hira Singh also admitted about the preliminary enquiry and that he had given his statement on which he had signed. His recorded statement was placed before him and he confessed about his signature. But he said in reply to another question, that he had confessed under pressure.

17. This is all the evidence on the record. The concerned workman admitted his statement given in the preliminary enquiry. This shows that he admitted that he was carrying the copper wire when

he was caught red handed. No doubt he has said that he had confessed under pressure, but he has not said as to who had exerted pressure upon him. MW-3, Rakesh Kumar had claimed in his evidence that the recovered material belonged to the company, which was also handed over to the Police. Hira Singh did not cross-examine him on any point. There is no denial of the claim of the witness that the material belonged to the company. Moreover, the concerned workman was apprehended near the Director's Bungalow which was within the premises of the company. Ajay Singh, Security Guard also said that on apprehending the accused he took the bag in his possession, opened, and it was found that the bag was full of pieces of copper trolley wire.

18. No doubt, in his confessional statement given that very night Hira Singh has not admitted that it was he who had removed the wire from the underground by claiming that he had found the bag containing the copper wire abandoned, which he had hidden in a bush with a view to take it away later. The story is hardly believable because if someone else had stolen the copper wire from the underground it was hardly expected of him to leave it abandoned somewhere on the surface. But even if this story is to be believed, for argument's sake, then the action of Hira Singh was a dishonest one in so much so that if he had found copper trolley wire abandoned somewhere but within the premises of the company, it was his duty as an employee to bring it to the notice of the authorities instead of hiding it in some bush which in itself is manifestation of his dishonest desire of committing theft.

19. There is overwhelming evidence on the record to show that the bag containing copper wire was recovered from the possession of Hira Singh in the manner as stated in the charge, and that the afore-said copper trolley wire pieces were the property of the company which were stolen sometimes after 22-10-88.

20. Therefore, I do not find anything on the record which may induce me to disagree with the finding of the Enquiry Officer that he charge had been proved on the basis of materials on the record. I agree with the finding of the Enquiry Officer.

21. Coming to the punishment in a case of this nature the punishment of dismissal from service is a reasonable punishment. An employee having found with stolen material can hardly inspire the confidence of the management to give him another chance. Under the circumstance, I do not think that the punishment was not justified.

Following, therefore, is the Award :—

"The dismissal of Shri Hira Singh by the management of West Bokaro Colliery of Hisco. Ltd was legal and justified. The workman concerned is entitled to no relief."

P. K. SINHA, Presiding Officer

आदेश

नई दिल्ली, 7 नवम्बर, 1994

का. आ. 3350—जबकि केन्द्रीय सरकार को यह राय है कि भारतीय स्टेट बैंक के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारियों के बीच इसके अधीन संलग्न अनुसूची में विनिर्दिष्ट मामले में एक औद्योगिक विवाद विद्यमान है।

और जबकि भारतीय उच्चतम न्यायालय ने दिनांक 13-9-1994 को अपने 1991 के फैसला सं. सी.ए. सं. 2710 के तहत केन्द्रीय सरकार को उक्त विवाद को आठ सप्ताह के अंदर न्यायनिर्णयन के लिए संदर्भित करने का निर्देश दिया है, और यह कि इस विवाद में राष्ट्रीय महत्व का प्रश्न समाहित है और यह भी कि यह इस प्रकृति का है कि भारतीय स्टेट बैंक के प्रतिष्ठान एक से अधिक राज्यों में प्रवर्तित हैं और इस विवाद से संबंध है अथवा प्रभावित होने का संभावना है,

और जबकि केन्द्रीय सरकार को यह राय है कि उक्त विवाद का न्यायनिर्णयन एक राष्ट्रीय न्यायाधिकरण द्वारा किया जाना चाहिए।

अब, इसलिए, औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 7ख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा एक राष्ट्रीय औद्योगिक न्यायाधिकरण का गठन करती है, जिसका मुख्यालय बंबई में होगा और इसके पीठासीन अधिकारी के रूप में न्यायमूर्ति श्री आर. जी. सिन्हाकर को नियुक्त करती है, और उक्त अधिनियम की धारा 10 की उपधारा (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त औद्योगिक विवाद को न्यायनिर्णय के लिए उक्त राष्ट्रीय औद्योगिक न्यायाधिकरण को संदर्भित करती है। उक्त राष्ट्रीय न्यायाधिकरण तीन माह के भीतर अपना पंचशट देगा।

अनुसूची

"क्या वे कर्मचारी, जिनका प्रतिनिधित्व भारतीय स्टेट बैंक का अखिल भारतीय बैंक कर्मचारी परिषद कर रहा है, औद्योगिक विवाद अधिनियम, 1947 के तहत संसाधन कार्रवाई संबंधित होने के बावजूद दिनांक 16-10-1989 की हड़ताल पर चले गये, 16-10-1989 का वेतन प्राप्त करने के हकदार हैं?"

[संख्या एल-12011/15/94-आई.आर.  
(बी-1)]

बी. के. जर्गी, उक्त अधिकारी

ORDER

New Delhi, the 7th November, 1994

S.O. 3350.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of State Bank of India and their workmen in respect of the matters specified in the schedule hereto annexed;

And whereas the Hon'ble Supreme Court of India vide its Judgement dated 13-9-1994 in C.A. No. 2710

of 1991 have directed the Central Government to refer the dispute for adjudication within eight weeks; and the dispute involves question of national importance and also is of such nature that the establishments of State Bank of India situated in more than one State are likely to be interested in or affected;

And whereas the Central Government is of the opinion that the said dispute should be adjudicated by a National Tribunal;

Now, therefore, the Central Government in exercise of the powers conferred by Section 7B of the I.D. Act, 1947 (14 of 1947), hereby constitutes a National Industrial Tribunal with Head Quarters at Bombay and appoints Justice Shri R. G. Sindhakar as its Presiding Officer; and in exercise of the powers conferred by Sub-Section (1A) of Section 10 of the said Act, hereby refers the said Industrial Dispute to the said National Industrial Tribunal for adjudication. The said National Tribunal shall give its Award within a period of three months.

#### THE SCHEDULE

“Whether the workmen represented by All India State Bank of India Staff Federation who went on strike on 16-10-1989, despite the pendency of conciliation proceedings under the Industrial Disputes Act, 1947 are entitled to wages for 16-10-1989?”

[No. I-12011/15/94-IR(B-I)]

V. K. SHARMA, Desk Officer.

नई दिल्ली, 8 नवंबर, 1994

का.आ. 3351.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 15 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय राज-दूतावास, आबूधावी में द्वितीय सचिव (सी.एल. एंड डब्ल्यू) श्री मनोहर राम को 6 अक्तूबर, 1994 से सक्षम प्राधिकारी की शक्तियों का प्रयोग करते तथा उन नियोजकों, जो उस देश में रोजगार के लिये किसी भारतीय नागरिक की भर्ती के प्रयोजनार्थ भारतीय नागरिक नहीं हैं, जो परमिट जारी करने के लिये प्राधिकृत करती है।

[संख्या ए-22020/1/91-उत्प्रवास]

जी. के. मट्टाचार्य,  
उत्प्रवास महासंरक्षी तथा  
संयुक्त सचिव

New Delhi, the 8th November, 1994

S.O. 3351.—In exercise of the powers conferred by sub-section (2) of section 15 of the Emigration Act, 1983 (31 of 1983) the Central Government hereby authorises w.e.f. 6th October, 1994 Sh. Manohar Ram Second Secretary (C.I.&W) in the Embassy

of India, Abu Dhabi, to exercise the powers of competent authority and to sign the work permits to the employers, who are not citizens of India, for the purpose of recruiting any citizen of India for employment in that country.

[No. 22020/1/91/Emig.II]

G. K. BHATTACHARYA, Proctor General  
of Emigrants & Jt. Secy.

नई दिल्ली, 8 नवंबर, 1994.

का.आ. 3352.—केन्द्रीय सरकार का यह समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि जिस खनन उद्योग में सेवाओं को, जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 15 के अंतर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ढ़) के उपखंड (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कलाविधि के लिए लोक उपयोगी सेवा घोषित करती है?

[संख्या एस-11017/9/85-डी-1(ए)(i)]

एस. एस. पाराशर, अवसर सचिव

New Delhi, the 8th November, 1994

S.O. 3352.—Whereas the Central Government is satisfied the public interest requires that the Zinc Mining Industry, which is covered by item 15 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a period of six months.

[No. S-11017/9/85-D.I(A)(i)]

S. S. PRASHER, Under Secy.

नई दिल्ली, 7 नवंबर, 1994

का.आ. 3353.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार, मै. मेट्रल कोलफील्ड लिमि. को म्बांग बाजरी प्रोजेक्ट के प्रबंधन के संबंध में नियोजकों और उनके कामकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 1), धनवाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 2-11-94 को प्राप्त हुआ था।

[संख्या-एल-20012/93/93-आई आर (कोल-I)]

ब्रज मोहन, डैस्क अधिकारी



New Delhi, the 7th November, 1994

S.O. 3353.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. 1), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Swang Washery Project of M/s. Central Coalfields Ltd., and their workmen, which was received by the Central Government on the 2-11-94.

[No. L-20012/93/93-IR(Coal-I)]  
BRAJ MOHAN, Desk Officer.

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD  
In the matter of a reference under section 10(1)(d)  
(2-A) of the Industrial Disputes Act, 1947

Reference No. 46 of 1994

#### PARTIES :

Employers in relation to the management of  
Swang Washery Project of Central Coal-  
fields Ltd.

AND

Their Workmen.

#### PRESENT :

Shri P. K. Sinha, Presiding Officer.

#### APPEARANCES :

For the Employers.—Shri R. S. Murthy, Advocate.

For the Workmen.—None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 20th October, 1994.

#### AWARD

By Order No. L-20012/93/93-I.R. (Coal-I), dated the 7th March, 1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the supersession of Shri Dhananjay Mahto and 5 others (as listed here below) in the matter of their promotion by the management of Swang Washery Project of Central Coalfields Ltd., is legal and justified? If not, what relief are the concerned workmen entitled to?"

Name of the workmen :

1. Shri Dhananjay Mahto
2. Sri Munuswamy

3. Sri Tejnarayan Mistry
4. Sri Sukhdeo Kam Naik
5. Sri A. Masih
6. Sri Kamta Pd. Singh.

2. The order of the reference was received in this Tribunal on 15-3-1994. Thereafter notice was sent to the sponsoring Union to file written statement on behalf of the workmen. Despite several adjournments neither the concerned workman nor the sponsoring Union appeared and filed written statement. Even on 19-10-1994 no one was present in the Tribunal on behalf of the workman though the notice appears to have been served upon the sponsoring Union as back as on 21-7-1994.

3. It, therefore, appears that the sponsoring Union has lost interest in this reference or that it now has no dispute to prosecute.

4. Therefore, I render a 'no dispute' award in the present case.

P. K. SINHA, Presiding Officer.

नई दिल्ली, 8 नवंबर, 1994

का.प्र. 3354.—केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि शीशा खनन उद्योग में सेवाओं को, जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 14 के अंतर्गत निर्विष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (3) के उपखंड (VII) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एम-11017/9/85-डी-1(ए) (II)]

एस. एस. पराशर, अवर सचिव

New Delhi, the 8th November, 1994

S.O. 3354.—Whereas the Central Government is satisfied that the public interest requires that the Lead Mining Industry which is covered by item 14 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a period of six months.

[No. S-11017/9/85-D.I(A)(ii)]

S. S. PRASHER, Under Secy.

नई दिल्ली, 10 नवंबर, 1994

New Delhi, the 10th November, 1994

का.आ. 3355.—केन्द्रीय सरकार में यह समाधान हो जाने पर लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ह) के उपखंड (1/1) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 1402 तारीख 27 मई, 1994 के तहत सिक्यूरिटी पेपर मिल, होशंगाबाद को उक्त अधिनियम के अंतर्गत उल्लिखित प्रयोजनों के लिए 31 मई, 1994 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि को बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ह) के उपखंड (1/1) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 30 नवंबर, 1994 से छह माह की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[मं.एस-11017/10/81-डी-1(ए)]

एस.एस. पराशर, अवर सचिव

S.O. 3355.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 1402 dated the 27th May, 1994 the Security Paper Mill, Hoshangabad, to be a public utility service for the purposes of the said Act, for a period of six months from the 31st May, 1994.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the Act for a further period of six months from 30th November, 1994.

[No. S-11017/10/81-D.I(A)]

S. S. PRASHER, Under Secy.